

ARTICLE XI

AMENDMENTS

Amendment to full Chapter: 10/2/08; other amendments: #O-2011-06, #O-2015-20)

Section 1101. Authority

This Ordinance, the Official Zoning Map of Glynn County, and the zoning classification of property may be amended and/or changed from time to time by the Board of Commissioners as herein provided.

Section 1102. Definitions

For purposes of this Article the following definitions shall apply:

- (a) Board of Commissioners – The Glynn County Board of Commissioners.

- (b) Formal Action – Means legislative action taken by the Planning Commissions which results in (1) a recommendation of approval or disapproval of a change in zoning classification, (2) a recommendation of approval or disapproval of an ordinance amendment, (3) a recommendation of approval or disapproval of a special use permit, or (4) a recommendation of approval or disapproval of a conditional use permit.

- (c) Planning Commission – Either the Mainland or Islands Planning Commission individually and collectively depending upon the location of the property in question.

- (d) Ordinance Amendment – An amendment to the text of the Glynn County Zoning Ordinance.

- (e) Zoning Decision – A change in the zoning classification of property in the unincorporated area of Glynn County as indicated on the Official Zoning Map of Glynn County, the grant of a special use permit, or the grant of a conditional use permit.

- (f) Zoning Classification - The zoning designation of property displayed on the Official Zoning Map based upon the adoption of the initial zoning designation or subsequent rezoning of that property.

Section 1103. Form of Action and Procedure for Amendments and Decisions

Requests for an Ordinance Amendment or Zoning Decision shall be processed in accordance with the following requirements:

(a) Ordinance Amendments

(1) Ordinance amendments may be initiated by the Board of Commissioners, Planning Commission, or the owner(s) of property within Glynn County.

(2) Ordinance amendments must be considered by the Planning Commissions at a public hearing. An ordinance amendment shall not be adopted by the Board of Commissioners unless it has first been considered by the Planning Commissions at a public hearing.

(3) The Planning Commissions shall consider and take formal action on ordinance amendments referred to it by the Board of Commissioners within one hundred (100) calendar days of the date of referral. If either Planning Commission fails to take formal action and submit a report to the Board of Commissioners within the one hundred (100) day period, then the ordinance amendment, as proposed by the Board of Commissioners, shall be deemed to be approved by the Planning Commission(s) which failed to take formal action.

(4) The Planning Commissions shall consider and take formal action on all other ordinance amendments within three hundred and sixty five (365) calendar days from:

(a) the date that an application is filed with the Community Development Director in the case of an amendment initiated by a property owner; or

(b) the date of the first meeting in which either Planning Commission places discussion of the amendment on its agenda in the case of an amendment initiated by a Planning Commission.

The Planning Commissions may consider an amendment beyond the three hundred and sixty five (365) days period provided that the applicant consents to such extension in writing.

(5) Following formal action by both Planning Commissions, the ordinance amendment shall be placed upon the agenda of the next regular meeting of the Board of Commissioners for consideration. All papers and data pertinent to the ordinance amendment, including any reports of the Planning Commissions, shall be transmitted to the Board of Commissioners.

(b) Zoning Decisions (#O-2015-20)

Zoning decisions may be initiated by the Board of Commissioners or the owner of property seeking a change in zoning classification, a special use permit, or a conditional use permit.

(1) On all zoning decision requests, excluding those filed by the County, only the record title owner(s) or their authorized agent (as evidenced by a completed agent authorization form) may file an application for a zoning decision.

(2) Applications for zoning decisions must be considered by the Planning Commissions at a public hearing. An application for a zoning decision shall not be considered by the Board of Commissioners unless it has first been considered by the Planning Commissions at a public hearing.

(3) Applications for zoning decisions are heard by the Planning Commission based upon the location of the subject property. The jurisdiction of the Mainland Planning Commission extends to any property located within the unincorporated area of Glynn County, Georgia, except on St. Simons Island, Little St. Simons Island or Sea Island. The jurisdiction of the Islands Planning Commission extends to any property located within unincorporated area of Glynn County, Georgia, on St. Simons Island, Little St. Simons Island or Sea Island (for purposes of this Ordinance, defined as being those lands east of the Atlantic Intracoastal Waterway).

(4) The Planning Commissions shall consider and take formal action on an application for a zoning decision within sixty (60) calendar days of the date that an application is filed with the Community Development Director. The Planning Commissions may consider a zoning decision beyond the sixty (60) day period provided that the applicant consents to such extension in writing. Notwithstanding any other provision to the contrary, if either Planning Commission fails to take formal action and submit a report to the Board of Commissioners within the sixty (60) day period, then the application for a zoning decision shall be deemed to be approved by the Planning Commission(s) which failed to take formal action.

(5) After taking formal action, the Planning Commission shall prepare a written report, including its recommendation, in accordance with Section 1103(c).

(6) After formal action by the Planning Commission, the application for a zoning decision shall be placed upon the agenda of the next regular meeting of the Board of Commissioners for consideration. All papers and data pertinent to

the application, including the report of the Planning Commission, shall be transmitted to the Board of Commissioners.

(c) Report of Planning Commission

The Planning Commissions shall submit to the Board of Commissioners a written report of its investigation and recommendations concerning an application for a zoning decision, and this report shall be a public record. The Planning Commission report shall be based upon the report and analysis of the staff of the Planning and Zoning Department and information obtained during the public hearing. The Community Development Director or his designee will prepare and transmit the written report required by this paragraph on behalf of the Planning Commission. The Planning Commission report is required to include in its investigation and recommendation comments on the following, when applicable:

- (1) Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning decision will adversely affect the existing use and or usability of adjacent or nearby property.
- (3) Whether the property to be affected by the zoning decision has a reasonable economic use as currently zoned.
- (4) Whether the zoning decision will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (5) Whether the zoning decision is in conformity with the policy and intent of the Comprehensive Land Use Plan.
- (6) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning decision.
- (7) For a zoning decision involving the grant of a special use or conditional use permit, the Planning Commission shall include comments on those matters identified in Section 904.3 of this Ordinance.
- (8) Such other matters as the Planning Commission deems relevant.

Section 1104. Application Requirements

Applications for ordinance amendments and zoning decisions initiated by a party other than the Board of Commissioners or the Planning Commission shall be processed in accordance with the following requirements. Incomplete applications will be rejected.

1104.1 Application For Ordinance Amendments

(a) Applications for Ordinance Amendments shall be in a form approved by the Board of Commissioners.

(b) Completed forms accompanied by any other supportive documentation required by the Planning Commission shall be filed with the Community Development Director at least twenty-one (21) days prior to the Planning Commission's scheduled meeting at which the application is to be heard.

(c) Any other communication purporting to be an application for amendment shall be regarded as mere notice of intention to seek an amendment.

1104.2 Application For Zoning Decisions

(a) Application for a zoning decision shall be in a form approved by the Board of Commissioners.

(b) Completed forms shall be filed with the Community Development Director at least thirty (30) days prior to the Planning Commission's scheduled meeting at which the application is to be heard.

(c) Any other communication purporting to be an application for amendment shall be regarded as mere notice of intention to seek an amendment.

(d) Once submitted and considered by the Planning Commission at a public hearing, an application may not be changed by an applicant unless the changes are made to address conditions or modifications adopted by the Planning Commission in their recommendation to the Board of Commissioners.

(e) Sketch Plan information

Applications for a Zoning Decision shall be accompanied by a sketch plan at a scale of not less than 1" = 100', containing the following elements:

- (1) Dimensions of the property involved.
- (2) Location and dimensions of existing and/or proposed structures with the type of usage.
- (3) Access drives.
- (4) Setbacks.
- (5) Easements.
- (6) Rights-of-Way.
- (7) Marshland boundaries.
- (8) Proposed or existing water, sewer and drainage facilities.
- (9) Buffers.
- (10) Off-street parking.
- (11) Recreational areas.
- (12) Watercourses and lakes.
- (13) Proposed number of dwelling units and net acres available for building, in case of residential development.
- (14) Loading areas, signage and outdoor lighting, in case of commercial and industrial development.
- (15) Applications for property zoned Planned Development at the time an application is filed or to rezone property to Planned Development must contain all information required by Section 723. (#O-2009-16)

1104.3

Fees

Applications for ordinance amendments or for zoning decisions initiated by a party other than the Board of Commissioners or the Planning Commission shall be accompanied by a fee based upon the approved fee schedule.

The Community Development Director shall issue a receipt for all fees received. Fees shall be submitted to the County Finance Department to cover the cost of advertising and other administrative expenses. If an applicant requests a deferral of its application which necessitates additional advertisement and notification, the applicant shall compensate Glynn County for the direct expenses of advertising and postage prior to being placed upon the requested agenda.

Section 1105 Notice of Public Hearing

1105.1 The public shall be provided notice of ordinance amendments by placement of a notice of public hearing in the legal organ of Glynn County at least fifteen (15) days, but not more than forty-five (45) days, prior to any public hearing at which the ordinance amendment will be considered. Said notice shall contain the date, time and place of the public hearing and a description of the proposed amendment(s).

1105.2 The public shall be provided notice of applications for zoning decisions by placement of a notice of public hearing in the legal organ of Glynn County at least fifteen (15) days, but not more than forty-five (45) days, prior to any public hearing at which the application will be considered. Said notice shall contain the date, time and place of the public hearing. If the application is for a change in zoning classification of property, then the notice also shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. Additional notice shall be required as follows:

a) If the application is for a change of zoning classification which changes the uses or density permitted on the property, then the Community Development Director shall use his or her best efforts to mail written notice of the public hearing to all property owners of record within two hundred (200) feet of the property sought to be rezoned, as their names appear on the records of the Glynn County Board of Tax Assessors. The notice shall contain the same information as the published notice of public hearing.

b) If the application is for a change of the zoning classification as it appears on the official zoning map and there is no change in the permitted use or density on the subject property, then the Community Development Director may publish a map depicting the property sought to be rezoned and the properties within two hundred (200) feet of the property in lieu of providing written notice to the

adjacent property owners. The map shall be published simultaneously with the notice of public hearing.

c) The public shall be notified of an application for zoning decision by posting a sign on the affected property in a conspicuous location containing the date, time and place of any public hearing, the present zoning classification of the property, and the proposed zoning classification. The sign shall be posted on the property at least fifteen (15) days, but not more than forty-five (45) days, prior to the date of the hearing. More than one sign may be posted on the property.

Section 1106 Hearing By The Planning Commission

Before taking formal action on any proposed ordinance amendment or zoning decision, excluding zoning map corrections pursuant to Section 1110, the Planning Commission(s) shall conduct a public hearing at a regular meeting. The public hearing shall be conducted as provided for in this Section. The Planning Commissions may conduct a public hearing during a specially called joint meeting to take formal action on a proposed ordinance amendment which, if adopted, would apply within the jurisdictions of both Planning Commissions or the Chairman of the Planning Commission may have a called meeting which may include a public hearing for a zoning decision provided all notice requirements have been met. Printed copies of the meeting agenda shall be made available at the meeting and the meeting agenda shall be published in advance of the meeting on the Glynn County website.

1106.1 Public hearings conducted by the Planning Commissions shall be conducted as follows:

(a) Upon the convening of the hearing, the Chairman shall read the published notice of the proposed ordinance amendment or zoning decision to be considered by the Planning Commission.

(b) The hearing shall be conducted by the Chairman or other hearing officer designated by the Planning Commission.

(c) The proposed ordinance amendment or zoning decision and the party initiating said proposal shall be stated by the Chairman, who then shall call for a staff report on the proposed action.

(d) A verbal staff report shall be made, stating the recommendation of the Planning and Zoning staff and summarizing the written report submitted for the hearing. The written report for zoning decisions shall include the general lines of

inquiry of Section 1103(c) of the Glynn County Zoning Ordinance. The staff report shall be considered part of the official record but is not required to be included in the minutes of the hearing.

(e) Both parties and persons favoring and persons opposing a proposal shall have an opportunity to address the Planning Commission. The applicant submitting the proposal is required to request the Planning Commission act upon the request and address any issues, comments and recommendations in the staff report. The applicant will be followed by persons favoring the proposal, and then by persons opposed to the proposal. Each speaker will be asked to identify himself or herself and state his/her current address. When all opposing statements have been heard, the party submitting the proposal may be permitted to rebut those statements.

(f) The Chairman may place reasonable limits on the number of persons who may speak for or against the proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposal.

(g) Each speaker shall speak only to the merits of the proposal and shall address remarks only to the Planning Commission. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposal. The Chairman may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this requirement.

(h) Because of time constraints in hearings, interested persons shall be encouraged to submit petitions, studies, letters, and other materials requiring prior study in time to have them included in the final agenda for the hearing. The Planning Commission shall have discretion to accept such materials at the hearing if circumstances did not permit earlier submittal. Such materials, if presented orally at the hearing, shall be subject to the time limits provided herein.

(i) Upon conclusion of public comments, as determined by the Chairman, conduct of the meeting shall be returned to the presiding official of the Planning Commission. The Planning Commission shall have discretion to call on previous speakers as necessary for clarification of views expressed or the materials submitted.

(j) Nothing in this Section shall be construed to limit the ability of the Chairman to maintain decorum in the conduct of a hearing in a fair and orderly manner.

(k) The Planning Commission may call for such additional views, studies, or other information from any source as then considered necessary to making a sound decision on the proposal.

(l) After conducting the public hearing, the Planning Commission shall take one of the following formal actions:

(i) Recommend approval of the ordinance amendment or proposed zoning decision as presented;

(ii) Recommend approval of the ordinance amendment or proposed zoning decision with modifications or conditions;

(iii) Defer action on the ordinance amendment or proposed zoning decision upon motion of the Planning Commission or at the request of the applicant. The applicant may revise the proposal based on the comments at the meeting and resubmit it for formal action at a future meeting. Provided, however, that if formal action is deferred at the request of the applicant, he or she shall be responsible for additional costs as provided by 1105.3; or

(iv) Recommend denial of an ordinance amendment or proposed zoning decision.

1106.2 Following formal action by the Planning Commission, all papers and data pertinent to the proposal shall be transmitted to the Board of Commissioners for final action. The application shall not be amended except as directed by the Planning Commission in their recommendation motion.

1106.3 Withdrawal

If an applicant withdraws an application for an ordinance amendment or a zoning decision after the Planning Commission has taken formal action at a public hearing, but prior to a public hearing by the Board of Commissioners, no new application shall be initiated affecting the same parcel or parcels of property, or any part thereof, by a property owner or owners for a period of six (6) months from the date of the Planning Commission public hearing.

Section 1107. Public Hearing by the Board of Commissioners

1107.1 Before taking formal action on any proposed ordinance amendment or zoning decision, the Board of Commissioners shall conduct a public hearing at a regular meeting. The public hearing shall be conducted as provided for in this Section.

(a) Public hearings for ordinance amendments and zoning decisions shall be held during regular meetings of the Board of Commissioners, at a time and place provided in the published notice of the hearing.

(b) The proposed ordinance amendment or zoning decision and the party initiating said proposal shall be stated, and the Chairman shall read the published notice of the proposed zoning action to be considered by the Board of Commissioners.

(c) A verbal staff report shall be made by County staff, stating the recommendation of the Planning Commission and summarizing the written report submitted for the hearing, which written report shall include the information required by Section 1103(c).

(d) Both persons favoring and persons opposing a proposed ordinance amendment or zoning decision shall have an opportunity to address the Board of Commissioners. The party proposing an ordinance amendment or zoning decision shall be invited to speak first, followed by persons favoring and then by persons opposed to the proposal. Each speaker will be asked to identify themselves and state his/her current address. When all opposing statements have been heard, the party submitting the proposal may be permitted to rebut those statements.

(e) Each speaker shall speak only to the merits of the proposal and shall address remarks only to the Board of Commissioners. Each speaker shall refrain from personal attacks on any speaker or the discussion of facts or opinions irrelevant to the proposal. The Chairman may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this requirement.

(f) The proponents and the opposition of any proposal shall have a total of thirty (30) minutes each to address the Board of Commissioners regarding the proposal.

Upon request made to and approved by the Board of Commissioners prior to speaking, any single individual for or against a proposal may speak for up to fifteen (15) minutes. All other speakers shall be limited to no more than five (5) minutes unless permitted additional time by the Board of Commissioners. Any allowance of additional time shall not extend the overall thirty (30) minute time limit for a particular side of the proposal unless more overall time is granted by the Board of Commissioners to permit a more complete discussion of the issue. Any rebuttal by proponents shall be allowed only within the overall time constraints set out herein. Nothing in this Section shall be construed to limit the ability of the Chairman to maintain decorum in the conduct of a hearing in a fair and orderly manner.

(g) Because of time constraints in hearings, interested parties and persons shall be encouraged to submit petitions, studies, letters, and other materials.

Such materials, if presented orally at the hearing, shall be subject to the time limits provided above.

(h) The Board of Commissioners shall have discretion to call on previous speakers as necessary for clarification of views expressed or the materials submitted. The Board of Commissioners may call for such additional views, studies, or other information from any source as then considered necessary to making a sound decision on the proposal.

(i) The Board of Commissioners shall have discretion to continue a hearing to a later date if the materials submitted or views expressed require more time for study and consideration than may reasonably be allocated in one meeting.

(j) The Board of Commissioners shall have discretion to remand a proposal back to the appropriate Planning Commission to provide a more detailed recommendation or to consider other issues as may be directed by the Board of Commissioners.

1107.2 Request to Withdraw, Defer, or Continue the Public Hearing by Applicant

Once an application for an ordinance amendment or zoning decision has been submitted for consideration by the Board of Commissioners and a notice of public hearing has been placed in the legal organ, the applicant may withdraw the application or request a postponement of the hearing date one time by submitting a request in writing to the Clerk of the Board of Commissioners at least seven (7) calendar days prior to the date set for the public hearing. The applicant will be responsible for any additional advertising fees pursuant to Section 1105.3.

In the absence of request for a continuance or postponement, the ordinance amendment or zoning decision will be heard on the date scheduled unless the Board of Commissioners takes action to defer the proposal. The public hearing in the event of a continuance or deferral shall be rescheduled to the next succeeding regular meeting date of the Board of Commissioners or the date specified in a motion adopted by the Board of Commissioners. If the applicant fails to appear on the date set for the public hearing, the Board of Commissioners may proceed to dispose of the proposal or dismiss the application.

Section 1108. Notice of Final Action

Property owners whose property is the subject of any zoning decision will receive written notice thereof within fourteen (14) days after the decision is made by the Board of Commissioners. Such notice shall be provided by the Clerk of the Board of Commissioners.

Section 1109. Final Action By the Board of Commissioners

Upon action of denial of an application for a zoning decision by the Board of Commissioners, an application shall not be initiated for a zoning decision affecting the same parcel or parcels of property, or any part thereof, by a property owner or owners for a period of one (1) year from the date of denial.

Section 1110. Changes to the Zoning Map

Following final action on a proposed ordinance amendment or zoning decision by the Board of Commissioners, any and all necessary changes shall be made on the Official Zoning Map by the Glynn County Geographic Information Division based upon information supplied by the Community Development Director. A written record of the type and date of such change shall be maintained by the Clerk of the Board of Commissioners and the Geographic Information Division. Until such change is made, no action by the Board of Commissioners on zoning decisions shall be official.

Following the changes to the Official Zoning Map, the Chairman of the Board of Commissioners shall sign a written copy of the Official Zoning Map. This map shall be the Official Zoning Map and shall be retained in the Community Development Office.

Based upon analysis, the Community Development Director may determine that there are errors on the Official Zoning Map. The Director shall place a public hearing item on a Board of Commissioners agenda and prepare a report for the Board of Commissioners detailing the error and graphically depicting the recommended correction. Notice of the public hearing shall be provided pursuant to Section 1105.2. After the public hearing, and upon an affirmative vote from the Board of Commissioners, the Director shall direct the Geographic Information Division to alter the zoning map and have a copy signed by the Chairman of the Board of Commissioners.

Section 1111. Changes to the Zoning Ordinance

Following final action by the Board of Commissioners, all adopted ordinance amendments shall be maintained by the Clerk of the Board of Commissioners and shall be added to the copy of the Ordinance in the Clerk's office. The online copy of the Ordinance shall be updated within seven (7) days by the Community Development Director or his designee. In cases of disagreement between the two versions the copy of the Ordinance maintained by the Clerk shall govern.