



BANKS COUNTY PLANNING COMMISSION MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, April 02, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER

a. Roll Call

PRESENT

Chairman Taylor Griffith

Mr. Jay O'Kelley

Mr. Jason Hensley

ABSENT

Vice-Chairman Scott Wheatley

Ms. Jody Parks

b. Pledge of Allegiance

2. APPROVAL OF AGENDA

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

3. APPROVAL OF MINUTES

a. Minutes from March 19, 2024

Motion to approve made by Mr. O'Kelley, Seconded by Mr. Hensley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

4. APPROVAL OF PLATS

a. No plats to be approved.

5. APPLICATIONS TO REZONE

a. Z-24-01

Mr. Ingle wishes to rezone one acre of commercial property to ARR so that he can combine it with his adjacent home parcel.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

6. ORDINANCES TO AMEND CODE

a. Chapter 2- Administration, Article I- In General, Sec. 2-2- Departments Created.

CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE 1, ENTITLED "IN GENERAL", SEC. 2-2, ENTITLED "DEPARTMENTS CREATED" is hereby amended by adding subsection (8) to Sec 2-2 as follows:

The following departments of the county are created and established:

(1) Road Department.

- (2) Water and Sewer Department.
- (3) Recreation Department.
- (4) Planning and Zoning Department.
- (5) Fire/EMS Department.
- (6) Emergency 911 Services Department.
- (7) Senior center.
- (8) Code Enforcement Department

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- b. Chapter 2- Administration, Article III- Officers and Employees, Sec. 2-61- Appointment of Officers and Department Heads.

AMEND CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE III, ENTITLED "OFFICERS AND EMPLOYEES", SEC. 2-61, ENTITLED "APPOINTMENT OF OFFICERS AND DEPARTMENT HEADS" is hereby amended by changing subsection (a) of Sec 2-61 as follows:

(a) The board of commissioners may at its June meeting each fiscal year appoint the County Clerk, Road Foreman, EMT Director, EMA Director, Planning and Zoning Official/Director, Recreation Director, Clean and Beautification Director, Code Enforcement Official/Director, and County Attorney for the next fiscal year of the county. Any department head or officer not appointed at the June meeting shall continue until removed by the board of commissioners.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- c. Chapter 6- Alcoholic Beverages, Article I- In General, Sec. 6-4- Qualifications of Applicants for Consumption on the Premises License.

AMEND CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES", ARTICLE I, ENTITLED "IN GENERAL", SEC. 6-4, ENTITLED "QUALIFICATIONS OF APPLICANTS FOR CONSUMPTION ON THE PREMISES LICENSE " is hereby amended by changing Sec 6-4 Subsections (a) and (d) as follows:

(a) All applications for licenses to sell alcoholic beverages by the drink for consumption on the premises shall be presented in person by the applicant to the Banks County Planning and Zoning Department.

(d) Every applicant for a consumption on the premises license shall be at least 21 years of age and shall make application on forms furnished by Planning and Zoning Department and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds and other supporting data as required thereby.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- d. Chapter 6- Alcoholic Beverages, Article I- In General, Sec. 6-6- Consumption on the Premises License Renewal and Transfer.

AMEND CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES", ARTICLE I, ENTITLED "IN GENERAL", SEC. 6-4, ENTITLED "CONSUMPTION ON THE PREMISES LICENSE RENEWAL AND TRANSFER " is hereby amended by changing Sec 6-6 Subsection (c) as follows:

(c) No consumption on the premises license shall be transferred or assigned from one person to another or from one location to another without the permission and approval of the governing authority upon written application made to the Planning and Zoning Department with the appropriate fee paid. Approvals as to any change shall be made at the discretion of the governing authority. It shall be the duty of the licensee to immediately surrender the license to the governing authority if the application is not approved.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- e. Chapter 6- Alcoholic Beverages, Article I- In General, Sec. 6-13- Annual license fee for consumption on the premises of alcoholic beverages.

AMEND CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES", ARTICLE I, ENTITLED "IN GENERAL", SEC. 6-13, ENTITLED "ANNUAL LICENSE FEE FOR CONSUMPTION ON THE PREMISES OF ALCOHOLIC BEVERAGES" is hereby amended by changing Sec 6-13 Subsection (a), (b), and (c) as follows:

(a) The annual fee for a consumption on the premises license for distilled spirits shall be \$3,000.00 dollars per annum and shall be paid when the application for a license is filed with the Banks County Planning and Zoning Department and shall be paid either in cash or a bank-certified check. Any person who is doing business or begins to do business at any time after the first day of January and before the first day of July shall pay the full licensee fee.

(1) No consumption on the premises licensee may purchase distilled spirits in containers smaller than one-fifth gallon.

(2) The sale of distilled spirits in unbroken packages or in any quantity for other than consumption on the premises is expressly prohibited.

(b) The annual fee for a consumption on the premises license for malt beverages shall be \$750.00 dollars per annum and shall be paid when the application for a license is filed with the Banks County Planning and Zoning Department and shall be paid either in cash or a bank-certified check. Any person who is doing business or begins to do business at any time after the first day of January and before the first day of July shall pay the full licensee fee.

(c) The annual fee for a consumption on the premises license for the sale of wine shall be \$750.00 dollars per annum and shall be paid when the application for a license is filed with the Banks County Planning and Zoning Department and shall be paid either in cash or a bank certified check. Any person who is doing business or begins to do business at any time after the first day of January and before the first day of July shall pay the full licensee fee.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- f. Chapter 6- Alcoholic Beverages, Article III- Retail Sale of Malt Beverages and Wine, Sec. 6-52- Definitions.

AMEND CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES", ARTICLE III, ENTITLED "RETAIL SALE OF MALT BEVERAGES AND WINE", SEC. 6-52, ENTITLED "DEFINITIONS" is hereby amended by changing Sec 6-52 term Director as follows:

Director means the Planning and Zoning Official/Director of Banks County.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- g. Chapter 14- Animals, Article II- Dangerous Dogs, Sec. 14-32- Dog Control Officer; Hearing.
- AMEND CHAPTER 14, ENTITLED "ANIMALS", ARTICLE II, ENTITLED "DANGEROUS DOGS", SEC. 14-32, ENTITLED "DOG CONTROL OFFICER; HEARING" is hereby amended by changing Sec 14-32 subsection (a) as follows:
- (a) The county Code Enforcement personnel shall act as the dog control officer(s), and in their absence a deputy sheriff.
- Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- h. Chapter 22- Businesses, Article IV- Canvassers, Solicitors, and Peddlers, Sec. 22-401- Definitions.
- AMEND CHAPTER 22, ENTITLED "BUSINESSES", ARTICLE IV, ENTITLED "CANVASSERS, SOLICITORS, AND PEDDLERS", SEC. 22-401, ENTITLED "DEFINITIONS" is hereby amended by changing Sec 22-401 definition of term as follows:
- Permit shall mean the authorization by the Banks County Planning and Zoning Department granting a canvasser, peddler or solicitor permission to canvass, peddle or solicit in Banks County, and shall be referred to as a "solicitor's permit."
- Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- i. Chapter 22- Businesses, Article IV- Canvassers, Solicitors, and Peddlers, Sec. 22-403- Registration, Permit, and License Requirement.
- AMEND CHAPTER 22, ENTITLED "BUSINESSES", ARTICLE IV, ENTITLED "CANVASSERS, SOLICITORS, AND PEDDLERS", SEC. 22-403, ENTITLED "REGISTRATION, PERMIT, AND LICENSE REQUIREMENT" is hereby amended by changing Sec 22-403 subsection (a)(2) and (a)(4) as follows:
- (a) A solicitor prior to soliciting orders, sales, subscriptions, contributions, or conducting business of any kind, including giving away any goods or services in person at residences and places of business in the unincorporated areas of the county without the consent or invitation of the occupant shall:
- (1) Be 18 years of age at the time of application;
 - (2) Be a citizen of the United States or a legal alien;
 - (3) File an application for a permit with the Planning and Zoning Department;
 - (4) Obtain a business license from the Planning and Zoning Department or be the agent or employee of a firm, or individual with a valid business license.
- Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- j. Chapter 22- Businesses, Article IV- Canvassers, Solicitors, and Peddlers, Sec. 22-406- Authorization of Permit.
- AMEND CHAPTER 22, ENTITLED "BUSINESSES", ARTICLE IV, ENTITLED "CANVASSERS, SOLICITORS, AND PEDDLERS", SEC. 22-406, ENTITLED "AUTHORIZATION OF PERMIT" is hereby amended by changing Sec 22-406 subsection (2) as follows:

(2) Each solicitor must wear the identification badge issued by the Planning and Zoning Department at all times while, canvassing, soliciting or peddling is underway; and show other photo identification if requested by any citizen, homeowner, resident or law enforcement personnel.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- k. Chapter 22- Businesses, Article IV- Canvassers, Solicitors, and Peddlers, Sec. 22-409- Approval and Issuance of Permit.

AMEND CHAPTER 22, ENTITLED "BUSINESSES", ARTICLE IV, ENTITLED "CANVASSERS, SOLICITORS, AND PEDDLERS", SEC. 22-409, ENTITLED "APPROVAL AND ISSUANCE OF PERMIT" is hereby amended by changing Sec 22-409 subsection (a) and (b) as follows:

(a) If, as a result of the investigation authorized by this article, the applicant's character and business responsibility are found to be satisfactory, the Planning and Zoning Department shall endorse on such application their approval and reasons for such approval, who shall, upon payment of regulatory fees as established issue a solicitor's permit.

(b) A solicitor's permit shall contain the name, address, physical description and organizational affiliation of the permit; a description of the solicitation activity to be engaged in; an expiration date; and the signature of the Planning and Zoning Department Official/Director. The Planning and Zoning Department shall keep a record of all solicitors' permits issued.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- l. Chapter 70- Solid Waste, Article III- Litter Control, Division 2- Scrap Tires, Sec. 70-95- Enforcement.

AMEND CHAPTER 70, ENTITLED "SOLID WASTE", ARTICLE III, ENTITLED "LITTER CONTROL", DIVISION 2, ENTITLED "SCRAP TIRES", SEC. 70-95, ENTITLED "ENFORCEMENT" is hereby amended by changing Sec 70-95 subsection (a) as follows:

(a) Enforcement of this division shall be the responsibility of the Banks County Board of Commissioners, the environmental education and enforcement officer or his/her designee, and/or Banks County Code Enforcement, and/or the Banks County Sheriff's Office.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- m. Chapter 74- Subdivisions, Article VI- Requirements for Streets and Other Right of Way, Sec. 74-162- Street Names, Street Signs, and Street Numbers.

AMEND CHAPTER 74, ENTITLED "SUBDIVISIONS", ARTICLE VI, ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SEC. 74-162, ENTITLED "STREET NAMES, STREET SIGNS, AND STREET NUMBERS" is hereby amended by changing Sec 74-162 subsection (m) as follows:

(m) The county Code Enforcement Officers will issue citations for violations of this section 74-162, will enforce the penalty, and work with the Banks County E-911 on ensuring that county residents who do not reside within a municipality abide by this section.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- n. Appendix A- Zoning, Article XIX- Multifamily Housing Developments, Section 1908- Lighting.
AMEND APPENDIX A, ENTITLED "ZONING", ARTICLE XIX, ENTITLED "MULTIFAMILY HOUSING DEVELOPMENTS", SECTION 1908, ENTITLED "LIGHTING" is hereby amended by changing Section 1908, subsection (b) as follows:

(b) Installation of lights will be not less than 300 feet apart with a minimum height of 18 feet. The lights shall be compliant with federal standards and approved by electrical company providing service.

Motion to approve made by Mr. O'Kelley, Seconded by Mr. Hensley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- o. Appendix A- Zoning, Article XXII- Hotels or Motels, Section 2206- Landscape Plan.
AMEND APPENDIX A, ENTITLED "ZONING", ARTICLE XXII, ENTITLED "HOTELS OR MOTELS", SECTION 2206, ENTITLED "LANDSCAPE PLAN" is hereby amended by changing Section 2206 as follows:

Hotels and motels must have a landscape plan submitted to and approved by Banks County Planning and Zoning Department and constructed prior to issuance of a business license.

Motion to approve made by Mr. O'Kelley, Seconded by Mr. Hensley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- p. Appendix A- Zoning, Article XXIII- Extended Stay Hotels or Motels, Section 2305- Recreation.
AMEND APPENDIX A, ENTITLED "ZONING", ARTICLE XXIII, ENTITLED "EXTENDED STAY HOTELS OR MOTELS", SECTION 2305, ENTITLED "RECREATION" is hereby amended by changing Section 2305 as follows:

An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of five square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Banks County Planning and Zoning Department prior to development to ensure that all applicable safety specifications and standards are met.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- q. Appendix A- Zoning, Article XXIII- Extended Stay Hotels or Motels, Section 2308- Landscape Plan.
AMEND APPENDIX A, ENTITLED "ZONING", ARTICLE XXIII, ENTITLED "EXTENDED STAY HOTELS OR MOTELS", SECTION 2308, ENTITLED "LANDSCAPE PLAN" is hereby amended by changing Section 2308 as follows:

Extended stay hotels and motels must have a landscape plan submitted to and approved by the Planning and Zoning Department and constructed prior to issuance of a business license.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley
- r. Chapter 62- Roads and Bridges, Article III- Street Names/Housing Numbers, Sect. 62-63- Designation of street numbers.

AMEND CHAPTER 62, ENTITLED "ROADS AND BRIDGES", ARTICLE III, ENTITLED "STREET NAMES/HOUSE NUMBERING", SECTION 62-63, ENTITLED "DESIGNATION OF STREET NUMBERS" is hereby amended by deleting Section 62-63, subsection g) and substituting in lieu thereof the following:

“g) No address will be issued without first applying for a building permit from the Planning Department. The Planning Department will request an address from E-911 on behalf of the applicant.”

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

s. Appendix A- Zoning, Article IV- General Provisions, Sect. 421- Short-term Rentals.

AMEND APPENDIX A, ENTITLED “ZONING”, ARTICLE IV, ENTITLED “GENERAL PROVISIONS”. is hereby amended by adding Section 421 as follows:

For the purposes of this chapter, a short-term rental (STR) shall be defined as the rental of any residential home or portion of any residential home to transient guests for a period of time no longer than 7 consecutive days.

A short-term rental as defined by these regulations shall conform to the following requirements:

1. No person or entity shall rent all or any portion of a dwelling unit as short-term rental without first obtaining a short-term rental license pursuant to the regulations contained in this chapter. Such a license shall be valid for one year, renewable annually. The license is nontransferable and should ownership change, a new application and fee will be required. Licenses are only effective at the location for which they are issued; each rental property must have its own separate license.
2. Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Department of Planning and Zoning. The application shall be accompanied by a non-refundable application fee in the amount of \$150.00. Such application should include:
 - a. The address of the unit to be used as a short-term rental;
 - b. Proof of ownership of the unit;
 - c. Proof of homeowner’s insurance;
 - d. The maximum occupancy and parking limitations;
 - e. The name, address, telephone number and email address of the short-term rental agent, which shall include 24-hour contact information;
 - f. A signed acknowledgement that the owner or agent has reviewed this Chapter and understands its requirements; and
 - g. The agent’s agreement to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
3. The owner of the rental residence or the rental agent must be available to handle any problems arising from use of the short-term rental unit; post emergency contact name and phone number in a readily visible place in the short-term rental unit; receive and accept responsibility of any notice of violation related to the use or occupancy of the premises; and monitor the short-term rental unit for compliance with this chapter.
4. STRs must provide proof of registration with the Georgia State Department of Revenue as they shall be subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the county code. Short-term rentals shall be subject to the hotel-motel tax for the furnishing of rooms as permitted under OCGA Section 48-13-51.
5. There shall be posted inside the unit a copy of the rental license as well as emergency contact information and rules of conduct to include maximum occupancy and maximum parking.

6. Maximum occupancy for a short-term rental shall be two persons per bedroom plus two additional persons per residence, but no rental shall have a maximum occupancy greater than twelve. Maximum parking shall be limited to one car per bedroom plus one additional car per residence, but no maximum parking shall exceed six vehicles.

7. All residences built for the purpose of short-term rental shall be built to the same standards as single-family residences according to current international and county residential property codes for building, zoning, fire prevention, and health and sanitation and shall be required to be permitted and inspected as such. An operable interconnected, hard-wired smoke detection system, with battery backup, is required outside each bedroom. (In the case of registered nonconforming uses, an operable battery-operated smoke detector outside of each bedroom will be accepted.) Any units with LP or natural gas must have a carbon monoxide detection system as well.

8. There shall be only one dwelling (primary or rental) per parcel. No short-term rentals may be operated out of any type of outbuilding or accessory structure.

9. Rentals must meet the minimum requirement of 1000 sq. ft. of heated space as outlined in Section 602(4) of this code. No tiny homes will be permitted. HUD approved manufactured homes of any size are allowable and may be considered for rentals.

10. No recreational vehicles, no campers, no tents, nor any structures of a temporary nature may be used for short-term rentals.

11. All new applications for short-term rentals must be approved in a public hearing by the Board of Commissioners with a recommendation from the Planning Commission.

Violations of this chapter will be cited and are punishable by fine. Multiple citations may result in the suspension or revocation of a license.

Existing short-term rentals qualifying as nonconforming uses must register with the Planning and Zoning Department by 12/31/2024 to keep their nonconforming status. An STR in existence prior to this ordinance that is not registered as nonconforming will be treated as a new use and held to the criteria established by this chapter. Nonconforming licenses which have been relinquished or revoked shall not be reinstated.

Motion to approve made by Chairman Griffith, Seconded by Mr. Hensley.

Voting Yea with minor word changes: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- t. Appendix A- Zoning, Article VI- ARR, Agricultural Rural residential District, Sect. 603- Conditional Uses.

AMEND APPENDIX A, ENTITLED "ZONING", ARTICLE VI, ENTITLED "ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT", SECTION 603, ENTITLED "CONDITIONAL USES". is hereby amended by adding to section 603, a subsection (7) as follows:

(7) Short-Term Rentals (STR)- residential rentals, no longer than seven consecutive days.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- u. Chapter 74- Subdivisions- Article II- Application- Platting Jurisdiction and Enforcement- Section 74-33- Platting Authority.

CHAPTER 74, ENTITLED "SUBDIVISIONS.", ARTICLE II, ENTITLED "APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.", SECTION 74-33, ENTITLED "PLATTING AUTHORITY." is hereby amended by deleting Section 74-33 in its entirety and substituting in lieu thereof the following:

The planning official shall be the official platting authority. No plat of a land subdivision or retracement plat shall be entitled to be recorded in the office of the clerk of superior court of the county unless it shall have the endorsement of the planning official, or his or her designee, written on such plat. The filing or recording or attempted filing of a plat of a subdivision or retracement plat without the approval of the planning official as required by this chapter is declared to be a misdemeanor. The planning official is authorized to levy charges for certain actions, inspections, and to cover certain direct costs. Such fees are to be used only to defray costs of the planning commission and staff.”

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- v. Chapter 74- Subdivisions- Article II- Application- Platting Jurisdiction and Enforcement- Section 74-34- Use of Plat.

CHAPTER 74, ENTITLED “SUBDIVISIONS.”, ARTICLE II, ENTITLED “APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.”, SECTION 74-34, ENTITLED “USE OF PLAT.” is hereby amended by deleting 74-34 in its entirety and substituting in lieu thereof the following:

No person shall sell or transfer or agree to sell any land by reference to or exhibition of or other use of a plat of a subdivision before that plat has been endorsed by the county planning official, or his or her designee, and recorded in the office of the clerk of superior court of the county. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such penalties.

Motion to approve made by Mr. O'Kelley, Seconded by Mr. Hensley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- w. Chapter 74- Subdivisions- Article II- Application- Platting Jurisdiction and Enforcement- Section 74-98- Review of Final Plat.

CHAPTER 74, ENTITLED “SUBDIVISIONS.”, ARTICLE II, ENTITLED “APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.”, SECTION 74-98, ENTITLED “REVIEW OF FINAL PLAT.” is hereby amended by deleting Section 74-98 in its entirety and substituting in lieu thereof the following:

a) The planning official or a designated member of the planning department shall check the plat for conformance with the approved/conditionally approved preliminary plat and for compliance with this chapter and other relevant county regulations and ordinances and report findings and recommendations to the planning commission and/or the board of commissioners in public session.

b) Minor subdivisions may be reviewed in office and approved without a public hearing. Class I, II, and III subdivisions must be approved by the planning commission and endorsed by the planning official in public session. Class IV subdivisions must be approved by the Board of Commissioners through the public hearing process with a recommendation from the planning commission and endorsed by the planning official.

c) No Class I, Class II, Class III, or Class IV final plat shall be acted upon by the planning commission except in public session. Such sessions or hearings must be held at least monthly and are generally held on the first and third Tuesdays of each month. The planning official is not empowered to approve or disapprove a final plat request for a Class I, Class II, Class III, or Class IV subdivision. The planning department will attempt to send not less than seven days before the public hearing a notice of the date and time of the hearing by regular mail to the person designated in the letter requesting final plat review. The planning department will attempt to contact by telephone the person designated in the letter requesting final plat approval to remind the person of the date and time of the hearing.

However, it is the responsibility of the person requesting final plat review to know the date and time of the hearing and to be present at the hearing or have a representative at the hearing.

d) No action shall be taken on a final plat if the applicant or designated representative is not present at the hearing, in which case the 45-day requirement in subsection (g) of this section is automatically waived for 46 days.

e) At a public hearing within 30 days of request for final plat approval, the approving board shall take one of the following actions which shall be recorded, with reasons for disapproval where appropriate, in the minutes:

1. Approve the final plat.

2. Disapprove the final plat and further notify the subdivider in writing of the specific reasons for disapproval within five days.

3. Table the request for approval to a date certain.

f) For the approving board to approve a final plat, all requirements of these regulations must have been satisfied, and all improvements required must have been completed not less than 15 workdays prior to the scheduled hearing at which final plat approval is requested. All improvements shall be inspected by the approving board during this five-day period.

g) Plats not acted on by the approving board within 45 days of request for approval shall be deemed approved and a certificate of final plat approval shall be issued on request of the subdivider (tabling a request is acting on the request). If, however, the approving board determines that additional time is required to study a final plat, an extension of time shall be requested in writing from the subdivider, who may agree to a specific time extension in lieu of a plat disapproval.

h) If final plat approval is requested two times and is denied both times because required improvements have not been made, the approving board shall not further consider that plat for 90 days following the date of the second disapproval.

i) When all conditions for approval of the final plat have been met and such approval has been granted, the planning official shall endorse and date the certificate of final plat approval on the original copy of the final plat. Such approval and endorsement convey the authority to record the plat and to sell lots shown on the plat.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- x. Chapter 74- Subdivisions- Article IV- Procedures and Requirements for Approval of Plats- Section 74-100- Final Plat Specification.

CHAPTER 74, ENTITLED "SUBDIVISIONS.", ARTICLE IV, ENTITLED "PROCEDURES AND REQUIREMENTS FOR APPROVAL OF PLATS.", SECTION 74-100, ENTITLED "FINAL PLAT SPECIFICATION." is hereby amended by adding to 74-100, subsection (3):

(3) s. Subdivision Notes section to include type of subdivision(s) included on survey. In the case of Class I subdivisions, the notes section shall include the full legal name of the immediate family member to whom the parcel is to be conveyed. Family members must be aged eighteen or older and provide a notarized affidavit of age and relationship to property owner. This section shall also include the date of the last separation of the same parcel and the class of that division as defined in Chapter 74, Article III, Section 74-61, Definitions.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.
Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- y. Appendix A- Zoning- Article IV- General Provisions- Section 412- Accessory Buildings and Structures.

APPENDIX A, ENTITLED "ZONING.", ARTICLE IV, ENTITLED "GENERAL PROVISIONS.", SECTION 412, ENTITLED "ACCESSORY BUILDINGS AND STRUCTURES." is hereby amended by deleting Section 412 in its entirety and substituting in lieu thereof the following:

In R1 zones, accessory buildings and structures shall be located only in side or rear yards. In ARR and CAD zones, accessory structures on less than 5 acres shall be located only in side or rear yards. Accessory structures located in ARR or CAD zones on greater than 5 acres may be located to the front of a dwelling but no closer than 100' from the road right-of-way.

After discussion, the Planning Commission recommends instead:

In R1 zones, accessory buildings and structures shall be located only in side or rear yards.

Motion to approve made by Chairman Griffith, Seconded by Mr. Hensley.
Voting Yea with changes: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- z. Appendix A- Zoning- Article IV- General Provisions- Section 417- Home Occupations.

APPENDIX A, ENTITLED "ZONING", ZONING, ARTICLE IV, ENTITLED "GENERAL PROVISIONS.", SECTION 417, ENTITLED "HOME OCCUPATIONS." is hereby amended by deleting section 417, subsection 9 in its entirety and substituting in lieu thereof the following:

9. A business license shall be obtained from Banks County prior to the operation of any home occupation. Said business license shall require approval by the planning official. Failure to annually renew a business license within the specified time frame will result in the withdrawal of approval. Applications for Conditional Home Occupations shall clearly define the specific use.

After discussion, the Planning Commission feels there is no need to remove conditions in lieu of amending them therefore eliminating the need to do away with the conditional resolution.

Motion to deny made by Chairman Griffith, Seconded by Mr. Hensley.
Voting Nay: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

- aa. Appendix A- Zoning- Article VII(A)- R-1- Single-Family Residential District- Section 702(A)- Permitted Uses.

APPENDIX A, ENTITLED "ZONING.", ARTICLE VII(A), ENTITLED "R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.", SECTION 702(A), ENTITLED "PERMITTED USES." is hereby amended by adding to section 702(A) the following subsection:

5. Home occupations, as defined in Article III, Appendix A of the Code of Banks County and limited in Section 417, Article IV, Appendix A of the Code of Banks County.

Previous discussion taken into consideration, the need for conditional uses remains and therefore the Planning Commission wishes to adopt the following instead:

APPENDIX A, ENTITLED "ZONING.", ARTICLE VII(A), ENTITLED "R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.", SECTION 703(A), ENTITLED "CONDITIONAL USES." is hereby amended by deleting section 703(A), subsection 2 in its entirety and substituting in lieu thereof the following:

2. Home occupations, as defined in Article III, Appendix A of the Code of Banks County and limited in Section 417, Article IV, Appendix A of the Code of Banks County. No home occupations in the R1 zone shall be operated from or within an accessory structure.

Motion to approve made by Chairman Griffith, Seconded by Mr. Hensley.

Voting Yea with changes: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

bb. Appendix A- Zoning- Article VIII- C-1- Neighborhood Commercial District- Section 802- Permitted Uses.

APPENDIX A, ENTITLED "ZONING.", ARTICLE VIII, ENTITLED "C-1, NEIGHBORHOOD COMMERCIAL DISTRICT.", SECTION 802, ENTITLED "PERMITTED USES." is hereby amended by adding the following subsection to section 802:

Article VIII C-1, Neighborhood Commercial District, Section 802- Permitted Uses.

9. Wedding and Event Venues- No more than 100-person occupancy.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

cc. Appendix A- Zoning- Article IX(A)- C-2- General Commercial District- Section 902(A)- Permitted Uses.

APPENDIX A, ENTITLED "ZONING.", ARTICLE IX(A), ENTITLED "C-2, GENERAL COMMERCIAL DISTRICT.", SECTION 902(A), ENTITLED "PERMITTED USES." is hereby amended by adding the following subsection to section 902(A):

Article IX(A) C-2, General Commercial District, Section 902(A)- Permitted Uses.

12. Wedding and Event Venues- No more than 250-person occupancy.

Motion to approve made by Mr. Hensley, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

7. ROUNDTABLE DISCUSSION

a. No scheduled discussion.

8. ADJOURNMENT

Motion to approve made by Mr. O'Kelley, Seconded by Mr. Hensley.

Voting Yea: Chairman Griffith, Mr. O'Kelley, Mr. Hensley

The Planning Commission reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Planning Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The Commission can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the County Clerk, at least three business days in advance of the meeting at 706-677-6902 to allow the County to make reasonable accommodations for those persons.