

City of Valdosta Land Development Regulations

Chapter 242 Zoning Procedures and Land Use

Section 242-1 Administrative Bodies

The zoning provisions of the LDR shall be administered by the Department, in association with the Valdosta City Council (City Council), Greater Lowndes Planning Commission (Planning Commission), and the Zoning Board of Appeals.

Section 242-2 City Council

- (A) Duties. The specific duties of the City Council with respect to the LDR shall include, but not be limited to, the following:
- (1) Recommendations. Receiving from the Community Development Department and from the Planning Commission recommendations concerning the Comprehensive Plan, text or map amendments to the Comprehensive Plan, amendments of provisions of the LDR including text graphics or the official Zoning Map, Conditional Use Permits, requests for Planned Development Approval, or any other matters relating to planning and zoning within the City.
 - (2) Public Meetings. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the Comprehensive Plan, text of the LDR, Official Zoning Map, Conditional Use Permit, Planned Development Approval, and other actions pursuant to the LDR. The City Council may solicit additional advice, information or comments prior to rendering its decision.

Section 242-3 Planning Commission

- (A) Authority. The Planning Commission shall have the authority granted by Chapter 2, Article 5, Division 5, Section 2-361 of the City of Valdosta Code of Ordinances and by the provisions of the LDR.
- (B) Purpose and Duties. The purpose and duties of the Planning Commission shall include, but not be limited to, conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the City Council concerning matters brought before them. Carrying out this purpose shall include, but not be limited to the following duties:
- (1) To review and make recommendations regarding proposed amendments to the text or maps of the Comprehensive Plan, text or graphics in the LDR, Official Zoning Map, and applications for Conditional Use Permits and Planned Development Approvals according to the standards of Section 242-6(C) of this Chapter.
 - (2) To advise the City government regarding environmental policy, comprehensive planning, community development, housing, transportation, land use issues and capital improvements.
 - (3) To work with the Community Development Department, other City departments, boards and authorities in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future City residents, businesses and property owners.
- (C) Finances. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the governing authorities of the City and the County.
- (D) Appointment and Terms.
- (1) Composition. The Planning Commission shall be composed of 10 members. Three of the members of the Planning Commission shall be residents of the unincorporated area of Lowndes County and shall be appointed by the Lowndes County Board of Commissioners. Four members of the Planning Commission shall be residents of the City of Valdosta and be

City of Valdosta Land Development Regulations

appointed by the Valdosta City Council. One member of the Planning Commission shall be a resident of the City of Hahira and be appointed by the Hahira City Council. One member of the Planning Commission shall be a resident of the City of Lake Park and be appointed by the Lake Park City Council. The tenth member of the Planning Commission shall be a resident of the City of Dasher and be appointed by the Dasher City Council.

- (2) Terms. All members shall be appointed for five-year terms.
- (3) Qualifications. When possible, the Chair and at least two other members of the Planning Commission shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction or related fields.
- (4) Compensation. All members of the Planning Commission shall serve without compensation but may be reimbursed for expenses incurred in connection with their official duties.
- (5) Vacancies. All appointees shall continue to serve until a successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If a member appointed by the Board of Commissioners moves to reside outside of the County, or if a member appointed by the Valdosta City Council moves to reside outside of the City limits, such member shall be deemed to have resigned from the Planning Commission.
- (6) Other Offices. Members of the Planning Commission shall hold no other elected or appointed office or other City- or County-compensated position.
- (7) Expiration of Term. Appointments shall expire 5 years from the date of appointment.
- (8) Removal from Office. A member of the Planning Commission may be removed from office prior to the expiration of his/her appointed term by a majority vote of the elected body that appointed him or her, as appropriate. A member also may be automatically removed pursuant to Section 242-3(H)(3) and Section 242-16(G).

(E) Planning Commission Officers.

- (1) Chair. In January of each year the Planning Commission shall elect its chairperson from among its members. The Chair's term shall be 1 year with eligibility for re-election.
- (2) Duties of Chair. The Chair shall preside at all meetings and hearings of the Planning Commission and decide all points of order and procedure. The Chair may appoint committees necessary to assist and advise the Planning Commission in its work.
- (3) Vice-Chair. The Planning Commission shall elect a Vice-Chair in January of each year. The Vice-Chair's term shall be 1 year with eligibility for re-election.
- (4) Duties of the Vice- Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and, when acting in such capacity, shall have the same powers and duties as the Chair.
- (5) Secretary. A designated person from the Department shall serve as the Secretary of the Planning Commission. The Secretary shall have responsibility for assisting the Chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the Planning Commission; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the Planning Commission; attendance to the correspondence of the Planning Commission; and other duties assigned by the Chair, subject to the budgetary limitations of the Department.

- (F) Committees. The Chair may appoint, with the approval of the Planning Commission, various standing and temporary committees to further the purposes of the Planning Commission. Such committees may include ex-officio members of the staff of various City departments (excluding the staff of the City Council), residents and business owners of the City and other individuals whose background and knowledge may be of benefit to the Planning Commission in its deliberations.

City of Valdosta Land Development Regulations

(G) Meetings of the Planning Commission.

- (1) Regular Meetings. Unless there is no business to be conducted, the Planning Commission shall hold regularly scheduled meetings each month. The Planning Commission shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act. Each member shall be notified of each regular meeting at least 5 calendar days preceding the meeting through a written agenda prepared and distributed by the Secretary.
- (2) Special Called Meetings. The Chair, Secretary, or a majority of the Planning Commission may call a special meeting at any time provided that written notice is posted for at least 24 hours at the place of regular meetings and written or oral notice is given at least 24 hours in advance of the meeting to the official legal organ of the City. The Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Planning Commission member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (3) Cancellation of Meetings. In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the meeting may be cancelled. In such a case, the Secretary shall notify each member at least 24 hours prior to such scheduled meeting and shall place an appropriate public notice at the County Building stating the date of the canceled meeting at least 24 hours in advance of the scheduled meeting.
- (4) Agenda and Minutes.
 - (a) The Chair and Secretary shall prepare the meeting agenda and shall post the agenda so that it is available to the public prior to each meeting. The Planning Commission may approve or amend the Agenda during the meeting.
 - (b) Not more than 2 working days following the adjournment of a meeting of the Planning Commission, the Secretary shall ensure that a written summary of the subjects acted on by the Planning Commission and a list of those members present is available for public inspection in the offices of the Department.
 - (c) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a brief summary of any explanation or commentary that is relevant to the decisions made on matters before the Planning Commission.
 - (d) Copies of the approved minutes for each meeting of the Planning Commission shall be available to the public immediately following the next regularly scheduled meeting of the Planning Commission.
- (5) Procedures. The Planning Commission shall make its own rules of procedure and determine its time of meeting. Such rules shall be subject to approval of the City Council. Robert's Rules of Order shall govern any procedural question not otherwise covered by Section 242-3 or said rules of procedure.
- (6) Order of Business at Meetings. The order of business at meetings shall be as follows:
 - (a) Determination of a quorum.
 - (b) Approval of minutes of previous meetings.
 - (c) Public Hearings
 - (d) Adjournment

City of Valdosta Land Development Regulations

- (7) Agenda Changes. The Chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.

(H) Quorum and Voting.

- (1) Quorum. A quorum shall consist of six members of the Planning Commission. A majority vote of those present constituting a quorum shall be sufficient to decide all matters that come before the Planning Commission except where a greater number is required by Roberts Rules of Order.
- (2) Voting.
 - (a) The Chair of the Planning Commission is a non-voting position.
 - (b) A Planning Commission member, who is part of a quorum of the Planning Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from voting on that specific matter. No Planning Commission member who is present may abstain from voting except in the case of having a conflict of interest with respect to the matter under consideration.
 - (c) A majority vote of those members present of the Planning Commission is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.
- (3) Attendance. If any member of the Planning Commission is absent without cause for three consecutive regular meetings of the Commission, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in sub-section (D) of this section.

Section 242-4 Amendments

(A) Initiation of Amendments.

- (1) Persons Entitled to Propose Amendments. Amendments to the Official Zoning Map or to the Future Development Map of the Comprehensive Plan may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, by majority vote of the members of the City Council, by the Planning and Zoning Administrator, or by recommendation of the Planning Commission. Amendments to the text of the Comprehensive Plan and amendments to Title 2 of the LDR may be initiated by majority vote of the members of the City Council or by the Planning and Zoning Administrator. Once an amendment to the Future Development Map, Official Zoning Map, text of the LDR, or text of the Comprehensive Plan is initiated, no application for a land disturbance permit or land development or building permit, variance, or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment.
- (2) Application Schedule.
 - (a) Amendments to the Official Zoning Map, to the text of the LDR and to the Comprehensive Plan (Future Development Map or text) must be submitted by the 25th day of the month, or the business day immediately following in the case of a holiday or weekend, in order to be considered at a City Council meeting.
 - (b) Review and consideration of Comprehensive Plan amendments will be scheduled before the Planning Commission and City Council not more than twice per year in accordance with a schedule adopted annually by the City Council. The City Council may consider a Comprehensive Plan amendment outside of their adopted annual schedule provided that the amendment for consideration meets the following criteria:

City of Valdosta Land Development Regulations

- i. Such projects are determined to create extraordinary economic development and employment growth;
 - ii. The public policy which supports the exemption is contained in the Comprehensive Plan; and
 - iii. Any infrastructure improvements necessitated by the exempt development are funded through a revenue source other than City funds.
 - (c) An application to amend the Official Zoning Map affecting the same property shall not be submitted sooner than 12 months following the date of final action by the City Council on the previous application. The City Council may vote to reduce this requirement when such action is deemed to be consistent with the Comprehensive Plan or to relieve an unnecessary non-economic hardship. However, if the previous action was a denial of a rezoning request, in no case shall a subsequent rezoning action be considered on the same property sooner than 6 months following the previous action to deny the rezoning request.
 - (d) No amendment to the Comprehensive Plan that was denied by the City Council may be resubmitted for approval sooner than 6 months following the action of denial by the City Council.
 - (3) Consistency of Amendments with the Comprehensive Plan.
 - (a) No amendment to the text of Title 2 of the LDR shall be adopted if the amendment would be inconsistent with the Future Development Map of the current Comprehensive Plan.
 - (b) No amendment to the Official Zoning Map shall be adopted if the amendment would be inconsistent with the current Comprehensive Plan. The applicant must first obtain an appropriate amendment to the Comprehensive Plan. Such application to amend the Official Zoning Map may not be submitted until after the final approval action of the City Council on the Comprehensive Plan amendment.
 - (4) Administrative Map Corrections. In the event that an administrative error is discovered with the Official Zoning Map, the Planning Director, Zoning Administrator, or their representative may correct the error administratively, provided that the error can be proven and documented. A file must be maintained with the appropriate record to demonstrate that the administrative change to the zoning map is consistent with the City's ordinances which adopted and amended the zoning map. The following two conditions must be verified prior to the correction of an administrative error:
 - (a) The correction is consistent with the official record of the actions of the Mayor and City Council.
 - (b) The correction protects the rights of the effected property owners, including the owner of the subject property as well as the property owners in the surrounding area of influence, through due process.
- (B) Content of Applications. Applications to amend the text of the Comprehensive Plan or the text of the LDR, shall clearly depict and set forth in writing the new text to be added and the existing text to be deleted. Applications to amend the Official Zoning Map or the Future Development Map shall be submitted on a form available from the Department and shall, at a minimum, include the following:
- (1) Application fee as established by the City Council.
 - (2) The name, mailing address, telephone number, fax number, and email address (if applicable) of the applicant, and the same information for the owner(s), if different.

City of Valdosta Land Development Regulations

- (3) Letter of authorization if the applicant is not the current owner or is one of multiple owners. This shall be notarized and signed by the owner(s) authorizing the applicant to submit and be responsible for the application.
- (4) Street address and Tax Map and Parcel number of the property to be reclassified.
- (5) Calculated area of land proposed to be reclassified.
- (6) Application file number, date of application and action on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
- (7) List of all current owners of record for properties located adjacent to the subject property. The list shall include the current mailing addresses and Tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.
- (8) Boundary survey of the subject property no larger than 11x17 and prepared by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said boundary survey shall be drawn to a scale of 1" = 100', or other scale acceptable to the Planning and Zoning Administrator, and shall include the following:
 - (a) North arrow and graphic scale
 - (b) General location sketch depicting nearby roads or landmarks
 - (c) Land Lot and Land District notation
 - (d) Acreage of the subject property
 - (e) Dimensions along all property lines
 - (f) Base flood lines or a note that the property is not within a flood zone
 - (g) Street names and right-of-way dimensions of abutting streets
 - (h) Preparer's signature and seal
- (9) For Official Zoning Map Amendments, a copy of an existing or proposed conceptual site plan of the subject property mechanically drawn no larger than 11x17. Said site plan shall be drawn to a scale of 1" = 100', or other scale acceptable to the Planning and Zoning Administrator, and shall include the following information:
 - (a) Name of the existing or proposed development, applicant, or owner.
 - (b) Date of drawing and revisions as applicable.
 - (c) Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
 - (d) Existing and proposed natural resources including streams and other water resources
 - (e) Any additional information as necessary to allow an understanding of the proposed use and development of the property, and as determined by City staff during the Pre-Application conference described in subsection (D)(1) of this Section. Said additional information may include, but is not limited to, the following:
 - i. Easements of record for access, public utilities, or drainage.
 - ii. Distance to the nearest fire hydrant.

City of Valdosta Land Development Regulations

- iii. Location and size of existing water and sewer facilities.
- (10) The current and proposed zoning and Character Area classification, and existing and proposed uses of the subject property.
- (11) Written responses to the following items as requested in the form of a questionnaire on the submitted application form:
 - (a) A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
 - (b) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would impact the capacities of public facilities including, but not limited to, transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste and emergency medical facilities.
 - (c) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would impact the natural environment, especially existing trees, water bodies and water quality.
 - (d) A written statement addressing how the proposed amendment to the Official Zoning Map or Future Development Map would result in an orderly and logical development pattern.
 - (e) If the application requests a change in the Official Zoning Map, the applicant shall provide a written statement addressing the Standards Governing the Exercise of Zoning as listed in subsection (G)(1) of this Section. If the application requests a change in the Future Development Map, the applicant shall provide a written statement addressing the standards for review of Comprehensive Plan amendments as listed in subsection (G)(2) of this Section.
- (12) Any such other information or documentation as the Department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.
- (13) If the proposed amendment to the Official Zoning Map would meet the thresholds of a Development of Regional Impact (DRI) as described in Section 242-5, the applicant shall prepare and submit to the Department the necessary documentation required by such section. No action will be taken on the rezoning until the DRI process has been completed.
- (C) Withdrawal of Applications. Applications may be withdrawn by the applicant with full refund of fees provided such withdrawal occurs prior to the deadline for filing such amendment. An applicant also may withdraw his or her application any time prior to 5:00pm on the day of the City Council Work Session however no refund shall be provided after the deadline for filing such amendment.
- (D) Procedures for Review of Applications.
 - (1) Pre-application Conference. A Pre-application Conference between the applicant and City staff is required for all map amendments and recommended for all text amendments. At least 10 working days prior to submitting an application for an amendment, the applicant should schedule a pre-application conference with the Department. The purpose of this meeting is to acquaint the applicant with the requirements of the LDR and the views and concerns of the City. Within 10 working days of such a request, the Department shall schedule a pre-application conference with the applicant and other relevant City departments.
 - (2) Application Submission. Within 5 working days after the established deadline for applications for an amendment, the Department shall determine whether the application is complete. If the Department determines the application is not complete, the Director shall send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Department

City of Valdosta Land Development Regulations

shall take no further action on the application until it is re-submitted for a subsequent application cycle.

- (3) **Application Review.** When the Department determines an application for an amendment is complete, the Department shall distribute copies of the application for review and comment to representatives from applicable City agencies and departments and any other public agencies having jurisdiction over the proposed action that are invited by the Department.
 - (4) **Site Review.** Prior to issuing its report and recommendation regarding a proposed map amendment, the Department shall conduct a site review of the subject property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
 - (5) **Staff Analysis and Standards of Review.**
 - (a) The Department shall prepare an analysis of each proposed amendment and shall present its findings and recommendations in written form to the Planning Commission.
 - (b) In determining whether to recommend approval or denial of an application to amend the Official Zoning Map, the Department shall consider and apply the standards in paragraph (G)(1) of this Section.
 - (c) In determining whether to recommend approval or denial of an application to amend the Comprehensive Plan, the Department shall consider and apply the standards in paragraph (G)(2) of this Section.
 - (d) **Recommended Amendments.** The Department's report may recommend amendments to the applicant's request that would reduce the land area for which the application is made, recommend a change in the district requested to a less intensive use or lower density than requested, or recommend conditions of approval, as provided in Section 242-15 of this Chapter.
 - (6) **Public Hearing.** Upon notification of the completed application for an amendment to the Official Zoning Map or an amendment to the Comprehensive Plan, the Planning Commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of the LDR.
 - (7) **Public Notices.** The public notices and public hearings held by the Planning Commission and City Council concerning the application shall be in accordance with the requirements of the LDR.
 - (8) **Developments of Regional Impact (DRI).** If the proposed amendment to the Official Zoning Map would meet the thresholds of a DRI, as described in Section 242-5 of this Chapter, the City shall follow the procedures outlined in said Section 242-5 prior to taking any action to further such proposed amendment in the development process.
- (E) **Notice of Public Hearings.**
- (1) **Legal Notice.**
 - (a) Due notice of public hearings, pursuant to this Section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 calendar days but not more than 45 calendar days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing.
 - (b) If the proposal is to amend the Official Zoning Map or Future Development Map, it shall also contain the street address or general location of the property, current character area and/or zoning district of the property, and the proposed character area and/or zoning district of the subject property.

City of Valdosta Land Development Regulations

- (c) If an application to amend the Official Zoning Map or Future Development Map is initiated by the City Council, a public hearing is required as provided in Section 242-(F). A legal notice of the time, place, and purpose of the public hearing shall be provided as in Section 242-4(E)(1). However, posting a sign shall not be required and no letters are required to be mailed to property owners
 - (d) When a public hearing relates to whether to allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the Planning Commission on the proposed action. The hearing required by this subsection shall be at held at least six months and not more than nine months prior to the date of final action on the zoning decision and shall be in addition to other public hearings required under this subsection. The Department shall publish a notice of the time, location and date of such hearing that shall include a prominent statement that the proposed action relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. Such notice shall be given by the following:
 - i. Posting a sign as provided in paragraph (2) of this subsection displaying such notice; and
 - ii. At least 15 calendar days and not more than 45 calendar days prior to the date of the hearing, the Department shall publish such notice in a newspaper of general circulation within the City. Such notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.
- (2) Signs Posted. For an application to amend the Official Zoning Map or Future Development Map, or a Conditional Use Permit, the Department shall post a sign or signs at least 15 calendar days prior to each public hearing required by this Section. Sign(s) shall be double-faced and a minimum of 24" x 36" in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current character area and/or zoning district of the property, the proposed character area and/or zoning district of the property, and the phone number of the Department.
- (3) Letters to Adjoining Property Owners. For an application to amend the Future Development Map or the Official Zoning Map that is not initiated by the City Council, the Department shall send notification of the requested application by certified mail to all adjacent property owners as shown by the Lowndes County tax records at the time of filing. All such notifications shall be mailed at least 15 calendar days prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.

(F) Rules of Procedure for Public Hearings.

- (1) Public Hearing Procedures for the Planning Commission. For each matter concerning the amendment of the Comprehensive Plan, the Official Zoning Map, text of the LDR or for any matter concerning the issuance of a Conditional Use Permit or other matter on the agenda that requires a public hearing and a vote of the Planning Commission, the following procedure shall be followed:
 - (a) Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
 - (b) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.

City of Valdosta Land Development Regulations

- (c) The Chair shall request a report from the staff regarding its findings and recommendations.
 - (d) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.
 - (e) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
 - (f) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (H) of this Section.
- (2) Public Hearing Procedures for the City Council. For each matter concerning the amendment of the Comprehensive Plan, the Official Zoning Map, text of the LDR or for any matter concerning the issuance of a Conditional Use Permit or other matter on the agenda that requires a public hearing and a vote of the City Council, the following procedure shall be followed:
- (a) Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
 - (b) The Mayor, Mayor Pro-tem, or designated council shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 - (c) The Mayor, Mayor Pro-tem, or designated council shall request a report from the staff regarding its findings and recommendations.
 - (d) The Mayor, Mayor Pro-tem, or designated council shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Mayor, Mayor Pro-tem, or designated council shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Mayor, Mayor Pro-tem, or designated council may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.
 - (e) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Mayor, Mayor Pro-tem, or designated council.
 - (f) Following the allotted time for proponents and opponents, the Mayor, Mayor Pro-tem, or designated council shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (I) of this Section.
- (3) Continuance of a Public Hearing. All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the City Council, if a majority of the members of the City Council present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter, it shall be understood that the matter will be continued at the next regularly scheduled City Council Meeting. However, if the matter is continued to date other than the next regularly scheduled City Council meeting, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in paragraphs (E)(1), (E)(2), and (E)(3) of this Section. In such event, and at the discretion of the City Council, the Department shall calculate the costs of providing the new

City of Valdosta Land Development Regulations

public notice (newspaper ad, letters to property owners, posted sign) and the applicant shall reimburse the City for these costs prior to the date of the continued public hearing.

(G) Application Review Standards.

- (1) Standards Governing the Exercise of Zoning Power. In reviewing the application of a proposed amendment to the Official Zoning Map (a proposed rezoning), the City Council, the Planning Commission and the Department shall consider the following standards:
 - (a) Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
 - (b) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
 - (c) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
 - (d) Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
 - (e) Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan.
 - (f) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
 - (g) Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
 - (h) Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with adjacent or nearby property owners or the general public.
- (2) Standards for Review of Comprehensive Plan Amendments. When considering an application to amend the Future Development Map of the Comprehensive Plan, the City Council, the Planning Commission and the Department shall consider:
 - (a) Whether a proposed Future Development Map amendment would result in a character area classification that is more consistent with the text and policies of the Comprehensive Plan than the current classification of the property on the Future Development Map.
 - (b) Whether the proposed amendment would result in a character area classification that is more compatible with the current and future character area classifications of adjacent and nearby property.
 - (c) Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.
 - (d) The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.
 - (e) Whether the proposed amendment would reduce dependence on the automobile.
 - (f) The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.
 - (g) If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future land use that includes review of future land use for the subject parcel and other surrounding property.
 - (h) The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.

City of Valdosta Land Development Regulations

- (i) Whether the proposed amendment would result in any negative impacts on the public water supply and wastewater collection and treatment systems or would conflict with adopted long-term water and sewer plans.
- (H) Action by Planning Commission. In making a recommendation on the application for an amendment to the Comprehensive Plan or to the Official Zoning Map, the Planning Commission shall review and consider the application and materials of record, the recommendations of the Department and the applicable standards in 242-4(G) of this Section.
- (1) Recommendation. Within a reasonable time of the conclusion of the public hearing regarding a proposed amendment, the Planning Commission shall make a recommendation to the City Council to:
 - (a) Approve the proposed amendment as requested by the applicant.
 - (b) Approve an amendment to include a lesser geographic area or a less intense zoning district or character area.
 - (c) Approve the proposed amendment with conditions.
 - i. The Planning Commission may add conditions to any proposed amendment to the Comprehensive Plan, amendment to the Official Zoning Map or any Conditional Use Permit it deems necessary so as to mitigate impacts of the proposal upon surrounding properties consistent with the purposes of the City's resolutions, ordinances, regulations, policies and procedures, pursuant to Section 242-15.
 - (d) Deny the proposed amendment.
 - (2) No Comment. If the Planning Commission fails to submit a recommendation regarding an application 30 calendar days after the initial public hearing on the application, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment.
- (I) Action by the City Council.
- (1) Public Hearing. Upon receipt of the recommendation of the Department and the Planning Commission, the City Council shall place the application on a public hearing agenda of the City Council for a public hearing or hearings, in accordance with the requirements of this Chapter.
 - (2) Considerations by the City Council. In making a decision on the application for an amendment to the Comprehensive Plan or the Official Zoning Map, the City Council shall review and consider the application and materials of record, the recommendation of the Department, the Planning Commission, and the applicable standards in subsection (G) of this Section. The City Attorney shall prepare a proposed ordinance for action by the City Council to effect the proposed amendment.
 - (3) Actions by City Council. Within 15 calendar days following the public hearing and its deliberation, the City Council shall take one of the following actions regarding the proposed amendment:
 - (a) Approve the proposed amendment, as requested by the applicant.
 - (b) Approve the proposed amendment with conditions, pursuant to Section 242-15.
 - (c) Approve an amendment to include a lesser geographic area or a less intense zoning district or character area.
 - (d) Deny the proposed amendment.
 - (e) Refer the matter back to the Planning Commission for reconsideration at its next regularly scheduled or called meeting.
 - (f) Defer final action until the next regularly scheduled or special called meeting.

City of Valdosta Land Development Regulations

- (4) Notification and Final Record of Action. Within 30 calendar days following action by the City Council, written notification shall be mailed to the applicant and property owner, if different. There upon the Department shall record the map amendment (if approved) on the Official Zoning Map or Future Development Map, as appropriate. An action to approve an amendment to the Official Zoning Map shall be recorded in the form of a City Ordinance approved by the City Council.

Section 242-5 Developments of Regional Impact (DRI)

- (A) Application. When an application for rezoning, conditional use, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the DCA, it shall be deemed to be a DRI. The application for such rezoning, conditional use, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the DCA.
- (B) Procedures. The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by the DCA and the Southern Georgia Regional Commission (SGRC).
- (C) Recommendation from the SGRC. No required public hearings or final action shall occur on such a rezoning, conditional use, variance, preliminary plat review or permit application until a recommendation is received from the DCA and the SGRC regarding the DRI.
- (D) Certified Copy of Resolution. After the City Council takes final action on the application, the Department shall transmit to the SGRC and the DCA a certified copy of the ordinance recording the action, including a record of the total number of members of the City Council that voted for and against approval of the application.

Section 242-6 Conditional Use Permits

- (A) Purpose. The purpose of this Section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use of any particular site in the district and compatibility with adjacent uses. A conditional use may not be approved in a given zoning district unless it is listed as a conditional use for the subject district in the Use Table in Chapter 218 of the LDR or in overlay districts found in Chapter 210 of the LDR.
- (B) Authority. The City Council may, in accordance with the procedures, standards and limitations of the LDR, take final action on applications for Conditional Use Permits for those uses listed in each of the zoning districts in the Use Table in Chapter 218 of the LDR.
- (C) Application Procedures.
 - (1) Conditional Use Permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
 - (2) Applications for Conditional Use Permits shall be made on forms published and provided by the Department and shall be filed with the Director.
 - (3) Pre-application Conference. A Pre-application Conference between the applicant and the City staff is required for all Conditional Use Permit applications. At least 10 working days prior to submitting an application for Conditional Use Permit, the applicant should schedule a pre-application conference with the Department. The purpose of this meeting is to acquaint the applicant with the requirements of the LDR and the views and concerns of the City.

City of Valdosta Land Development Regulations

Within 10 working days of such a request, the Department shall schedule a pre-application conference with the applicant and other relevant City departments.

- (4) Each applicant shall complete all questions and requested materials contained within the required application form and shall include all of the following information:
 - (a) Property general information such as current zoning, current use, and Character Area designation.
 - (b) Name, mailing address and phone number of all owners of the property which is the subject of the application for Conditional Use Permit;
 - (c) Letter of Authorization if the applicant is not the current owner or is one of multiple owners. This shall be notarized and signed by the owner(s) authorizing the applicant to submit and be responsible for the application.
 - (d) The name, mailing address, email address, FAX number and telephone number of the applicant or agent who is authorized to represent the owner(s) of the subject property.
 - (e) Written legal description of property.
 - (f) Statement of current zoning classification and proposed use of the property.
 - (g) Written responses to a questionnaire pertaining to analysis of the impact of the proposed Conditional Use Permit with respect to each of the criteria contained in subsection (l) of this Section and, where applicable to the use proposed, also the applicable supplemental regulations contained in Chapter 218, Article 3 of the LDR.
 - (h) Complete and detailed site plan of the proposed use, not to exceed 11x17 and mechanically drawn to a scale of 1" = 100' or other scale acceptable to the Planning and Zoning Administrator. Said site plan shall include the following:
 - i. Name of the drawing, date, north arrow and graphic scale.
 - ii. All buildings and structures existing or proposed to be constructed and their location on the property.
 - iii. Existing or proposed site improvements including sidewalks, roads, driveways, parking spaces, landscaped areas, and drainage facilities.
 - iv. Proposed use of each building or portion thereof.
 - v. Building setbacks and any required buffer yards, as well as the dimensions of all property boundary lines.
 - vi. Other information necessary to demonstrate compliance with subsection (l) of this Section and Chapter 218, Article 3, as applicable, and as determined by City staff during the Pre-application Conference described in subsection (C)(3) of this Section. Said additional information may include, but is not limited to, the following:
 - a. Easements of record for access, public utilities or drainage.
 - b. Distance to the nearest fire hydrant.
 - c. Location and size of existing water and sewer facilities.
 - d. Delineation of established floodplain or wetlands boundary lines.
 - e. Connectivity to adjacent properties, and location of applicable site improvements on adjacent properties.
- (5) Application Fees. Application fees shall be as established by ordinance by the City Council.
- (6) Application Submission. Within 5 working days after the established deadline for applications for a Conditional Use Permit, the Department shall determine whether the application is complete. If the Department determines the application is not complete, the Director shall

City of Valdosta Land Development Regulations

send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Department shall take no further action on the application until it is re-submitted for a subsequent application cycle.

- (7) **Application Review.** When the Department determines an application for an Conditional Use Permit is complete, the Department shall distribute copies of the application for review and comment to representatives from applicable City agencies and departments and any other public agencies having jurisdiction over the proposed action that are invited by the Department.
- (8) **Site Review.** Prior to issuing its report and recommendation regarding the subject Conditional Use Permit, the Department shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
- (9) **Staff Analysis and Standards of Review.**
 - (a) The Department shall prepare an analysis of each requested Conditional Use Permit and shall present its findings and recommendations in written form to the Planning Commission.
 - (b) Staff recommendations on each application for Conditional Use Permit shall be based on the criteria contained in subsection (I) of this Section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in Chapter 218, Article 3.
- (D) **Notice of Applications Filed.** The Department shall provide to the City Council, no later than 21 calendar days following the monthly closing date for receipt of applications, a list of all applications for Conditional Use Permit. The listing of applications shall be reasonably made available to the public.
- (E) **Public Hearings Required.** Before deciding on any Conditional Use Permit pursuant to the requirements set forth in this Section, the City Council shall provide for public notice and a public hearing thereon. No application for a Conditional Use Permit shall be decided by the City Council unless it has been submitted to the Planning Commission for public hearing and recommendation pursuant to the requirements of this Section.
- (F) **Notice of Public Hearings.** Notice of public hearing on any proposed application for a Conditional Use Permit shall be provided as is required in Section 242-4(E) of this Chapter and shall, in addition to the information required in Section 242-4(E), indicate the Conditional Use requested for the subject property.
- (G) **Withdrawal of Applications.** Applications may be withdrawn by the applicant with a full refund of fees provided such withdrawal occurs prior to the deadline for filing the application. An applicant also may withdraw his or her application anytime prior to 5:00pm on the day of the City Council work session, however, no refund shall be provided after the deadline for filing an application.
- (H) **Action by the Planning Commission.**
 - (1) The Secretary shall provide the members of the Planning Commission complete information on each proposed application for a Conditional Use Permit including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, and the written report and recommendation of the Department applying the required criteria in subsection (I) and supplemental regulations of Chapter 218, Article 3, where applicable, to each application.

City of Valdosta Land Development Regulations

- (2) After public notice as required in subsection (F) of this Section, the Planning Commission, shall conduct a public hearing in a manner consistent with Section 242-4(F) of this Chapter.
 - (3) The Planning Commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the requirements of the Comprehensive Plan and zoning district in which such use is proposed to be located.
 - (4) The Planning Commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with Section 242-15.
 - (5) The Planning Commission may recommend approval of the application, approval of the application with conditions, approval of the Conditional Use Permit for a lesser area, extent or intensity, or denial of the application. Failure of a motion to achieve a majority vote on such decision shall result in no recommendation to the City Council on the matter.
- (I) Initiation of Ordinance. Prior to action by the City Council, the City Attorney shall prepare a proposed ordinance to effect the proposed Conditional Use Permit.
- (J) Action by the City Council.
- (1) The City Council, after conducting the public hearing with public notice required by this Section, shall take one of the following actions:
 - (a) Vote to approve the application.
 - (b) Vote to approve the application with conditions.
 - (c) Vote to approve the Conditional Use Permit for a lesser area, extent or intensity.
 - (d) Vote to deny the application.
 - (e) Vote to defer the application to its next regular meeting or special called meeting.
 - (f) Vote to refer the matter back to the Planning Commission for reconsideration at their next regularly scheduled meeting or special called meeting.
 - (2) The decision of the City Council on each application for Conditional Use Permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in subsection (L) of this Section, the use standards contained in Chapter 218, Article 3 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties.
 - (3) The City Council may impose conditions based upon the facts in a particular case in accordance with Section 242-15.
 - (4) Notification and Final Record of Action. Within 30 calendar days following action by the City Council, written notification shall be mailed to the applicant and property owner, if different.
- (K) Applicability of Conditional Use Permits. The Conditional Use Permit shall become an integral part of the zoning applied to the subject property. Unless a Conditional Use Permit is revoked pursuant to paragraph (n) of this sub-section, it shall be extended to all subsequent owners and interpreted and continually enforced by the Department in the same manner as any other provision of the LDR.
- (L) Conditional Use Permit Criteria to be Applied. The following criteria shall be applied by the Department, the Planning Commission, and the City Council in evaluating and deciding any application for a Conditional Use Permit. No application for a Conditional Use Permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

City of Valdosta Land Development Regulations

- (1) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
 - (2) Compatibility of the proposed use with land uses on adjacent properties.
 - (3) Compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 - (4) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.
 - (5) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.
 - (6) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
 - (7) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
 - (8) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.
- (M) Development of an Approved Conditional Use. The issuance of a Conditional Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
- (N) Modifications to a Conditional Use Permit. Changes to an approved Conditional Use Permit, other than time extensions provided under subsection (O) of this Section, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.
- (O) Appeal of a Conditional Use Permit Decision. Any person, persons or entities jointly or severally aggrieved by any decision of the City Council regarding a Conditional Use Permit application may take an appeal to the Lowndes County Superior Court. Any appeal must be filed within 30 calendar days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

Section 242-7 Zoning Board of Appeals

- (A) Powers and Duties. The Zoning Board of Appeals shall have the following powers described below and as provided in Chapter 2-133:
- (1) Appeals. To hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement or decision made by an administrative official based on or made in the enforcement of the LDR. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph. In exercising its powers, the Zoning Board of Appeals may, in conformity with the provisions of the LDR, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit other than a Conditional Use Permit, provided that all requirements imposed by all other applicable laws are met. See also Section 242-8.

City of Valdosta Land Development Regulations

- (2) Variances. To authorize upon application in specific cases, specific variances from the required property development standards applicable to zoning districts, as provided in Title 2 of the LDR. See also Section 242-9 of this Chapter.
- (3) Non-Conforming Land Use Waivers. To review the status of non-conforming land uses and issue certificates of previously established land use conformity as provided in Section 234-13.
- (4) Stream Buffers Variances. To hear and decide variance requests from the requirements for stream buffers set forth in Section 310-114.

(B) Appointment and Terms of Board of Appeals.

- (1) Terms. The Zoning Board of Appeals shall be composed of eight (8) members all of whom shall be residents of Lowndes County, and one of whom shall also be an attorney admitted by the Georgia Bar. Members shall serve 3-year terms.
- (2) Composition. The Lowndes County Board of Commissioners shall appoint 4 members from the County, and the Valdosta City Council shall appoint 4 members from the City. The attorney appointment shall be a rotating position between the City and the County.
- (3) Vacancies. All appointees shall continue to serve until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside of the jurisdiction they represent, such member shall be deemed to have resigned from the Zoning Board of Appeals.
- (4) Other Offices. Members of the Zoning Board of Appeals shall hold no other elected office or other City or County compensated position, except that two members may also be members of the Planning Commission
- (5) Removal. A member of the Zoning Board of Appeals may be removed from office prior to the expiration of his/her appointed term for cause, upon written charges and after a public hearing, by a majority vote of the City Council or County Board of Commissioners as appropriate. Cause for removal from office shall include, but not be limited to: failure to attend regularly scheduled meetings, as provided in subsection (D) of this Section; failure to disclose a conflict of interest, as provided in O.C.G.A. 36-67A-1 et seq.; and failure to complete required training, as provided in Section 242-16(G).

(C) Zoning Board of Appeals Officers.

- (1) Officers. The Zoning Board of Appeals shall elect annually a Chairperson and Vice-Chair.
- (2) Duties of Chair. The Chair shall preside at all meetings and hearings of the Zoning Board of Appeals and decide all points of order and procedure. The Chair may appoint committees necessary to assist and advise it in its work.
- (3) Acting Chair. The Vice-Chair shall be Acting Chair in the absence of the Chair.
- (4) Secretary. A designated person from the Department shall serve as the Secretary of the Zoning Board of Appeals. The Secretary shall have responsibility for assisting the Chair with scheduling and preparing the agenda for meetings; providing copies of staff reports to members of the Zoning Board of Appeals; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the Zoning Board of Appeals; and other duties assigned by the Chair.

(D) Meetings of the Zoning Board of Appeals.

- (1) Regular Meetings.
 - (a) Unless there is no business to be conducted, regular meetings, including public hearings on matters listed in Section 242-7(A), shall be held on the first Tuesday of each

City of Valdosta Land Development Regulations

month at 2:30 p.m. If the first Tuesday of the month is a holiday, the hearing will be scheduled for the second Tuesday of the month. Meetings shall be held in the Multipurpose Room of the Valdosta City Hall Annex located at 300 N. Lee Street, Valdosta, Georgia.

- (b) All meetings shall be open to the public. Notice of all meetings shall comply with OCGA 50-14-1, et seq., the Georgia Open Meetings Act.
 - (c) Each member shall be notified of each regular meeting at least 5 calendar days preceding the meeting through a written agenda prepared and distributed by the Secretary.
 - (d) If any member of the Zoning Board of Appeals is absent without cause for three consecutive regular meetings of the Boards, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in sub-section (B) of this section.
- (2) **Special Called Meetings.** The Chair, Secretary or a majority of the Zoning Board of Appeals may call a special meeting at any time that permits posting of a written notice for at least 24 hours in advance at the place of regular meetings and giving written or oral notice at least 24 hours in advance of the meeting to the official legal organ of the City. The Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (3) **Agenda and Minutes.**
- (a) The Chair and Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Zoning Board of Appeals shall appear on the agenda.
 - (b) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the Zoning Board of Appeals.
- (4) **Order of Business at Meetings.** All meetings shall be open to the public. The order of business at meetings shall be as follows:
- (a) Roll call and determination of a quorum
 - (b) Approval of minutes from previous meetings
 - (c) Approval of the Agenda.
 - (d) Unfinished business
 - (e) New business
 - (f) Reports & Public Hearings
 - (g) Adjournment
- (5) **Cancellation of Meetings.** In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the Secretary shall post an appropriate public notice at the stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.
- (6) **Continuance of Hearing.** All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members of the Zoning Board of Appeals present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.

City of Valdosta Land Development Regulations

In such instances, it shall be understood that the matter will be continued at the next regularly scheduled Zoning Board of Appeals meeting. However, if the matter is continued to date other than the next regularly scheduled Zoning Board of Appeals meeting, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with OCGA 50-14-1, et seq., the Georgia Open Meetings Act.

(E) Quorum and Voting.

- (1) Quorum. A quorum shall consist of five or more members of the Zoning Board of Appeals.
- (2) Voting.
 - (a) Non-Voting Chair: The Chairperson of the Zoning Board of Appeals shall be a non-voting member.
 - (b) Abstention: A Zoning Board of Appeals member, who is part of a quorum of the Zoning Board of Appeals during the consideration of any matter, but not participating in the discussion or voting on a specific matter because of a conflict of interest (see Section 242-17), shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No member of the Zoning Board of Appeals may abstain from voting, except in the case of having a conflict of interest with respect to the matter under consideration.
 - (c) Majority Vote. A majority vote of those members present of the Zoning Board of Appeals is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.

Section 242-8 Appeals

(A) Procedures for Application for Appeals to the Zoning Board of Appeals.

- (1) Eligibility for Appeal. Appeals to the Zoning Board of Appeals may be initiated by any aggrieved person, or by department, official, agency or board of the City affected by any decision, final order, requirement, determination or interpretation of any administrative official of the City with respect to the provisions of the LDR. These appeals shall be taken by filing with the Secretary of the Zoning Board of Appeals a written Notice of Appeal, specifying the grounds thereof, within 15 calendar days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.
- (2) A person shall be considered aggrieved for purposes of this subsection if:
 - (a) Said person or said person's property was the subject of the action being appealed; or
 - (b) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.
- (3) Transmission of Records. The Department shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action being appealed was taken. The application shall be accompanied by a non-refundable fee, as established from time to time by the City Council, to defray the actual cost of processing the application.

(B) Appeal Stays Legal Proceedings. An appeal stays all legal proceedings in furtherance of the action being appealed, unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Lowndes County on notice to the officer from whom the appeal is taken and on due cause shown.

City of Valdosta Land Development Regulations

- (C) Public Hearings. The Zoning Board of Appeals shall hear the appeal and matters referred to it within 60 calendar days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The Secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearings and shall be posted and advertised per OCGA 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.
- (D) Decisions of the Board. Following the consideration of all testimony, documentary evidence and matters of record, the Zoning Board of Appeals shall make a determination on each appeal. The Board shall decide the appeal within a reasonable time but, in no event, more than 30 calendar days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the Zoning Board of Appeals that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official's action was based on a determination not supported by the evidence, or erroneously interpreted, or both, and the applicant has provided sufficient proof as required in Section 242-10.

Section 242-9 Variances

- (A) Authority. Unless otherwise provided for in the LDR, the Zoning Board of Appeals shall have authority to grant variances from the required property development standards applicable to zoning districts, as provided in Title 2 of the LDR, in accordance with the standards and procedures as set forth in this Section.
- (B) Purpose. The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of Title 2 would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.
- (C) Initiation. A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the City Council.
- (D) Application Procedures. An application for a variance shall be filed with the Department, accompanied by a non-refundable fee, as established from time to time by the City Council, to defray the actual cost of processing the application. The application shall be in such form and shall contain at least such following information and documentation:
- (1) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
 - (2) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
 - (3) The size of the subject property.
 - (4) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - (5) The specific provision of Title 2 from which a variance is requested.
 - (6) A statement concerning each of the Standards for Granting Variances in subsection (I) of this Section.
 - (7) A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the LDR and the Comprehensive Plan.
 - (8) One (1) copy of a conceptual site plan no larger than 11x17 drawn to a scale of 1" = 100' , including the following information:

City of Valdosta Land Development Regulations

- (a) Applicant's name.
 - (b) Date of drawing and revisions as applicable.
 - (c) Map of the location of the property and landmarks.
 - (d) Dimensions along all property lines.
 - (e) Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
 - (f) The location and use of any existing buildings on adjacent lots, and their distance from property lines, as applicable.
 - (g) Existing and proposed natural resources including streams and other water resources, as applicable.
 - (h) Any additional information as necessary to allow an understanding of the proposed use and development of the property as related to Sections 242-9(I) and 242-10.
- (9) **Review by Director.** Within a reasonable time, not to exceed 10 calendar days after receipt of any application or receipt of additional information pursuant to this Section, the Director shall examine the application and notify the applicant (by mail) of any apparent deficiencies in the application and request such additional information as may be necessary for the processing of the application.
- (10) **Review Process.** Within 30 working calendar days after an application has been determined to be complete by the Department, and not less than 7 calendar days before the scheduled public hearing on the matter, the application shall be reviewed by the Department and a recommendation submitted to the Zoning Board of Appeals.
- (E) **Staff Report.** The staff of the Department shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (i) of this Section. The staff report shall be presented in written form to the Zoning Board of Appeals at least 7 calendar days prior to the scheduled hearing date.
- (F) **Public Notice Procedures.**
- (1) **Legal Notice.** Due notice of public hearings, pursuant to this Section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 calendar days but not more than 45 calendar days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing. Notices for variance applications shall include reference to the section of this LDR from which the applicant is seeking a variance.
 - (2) **Signs Posted.** For an application for a variance from the requirements of this LDR, the Department shall post a sign or signs at least 15 calendar days prior to each public hearing required by this Section. Sign(s) shall be double-faced and a minimum of 24" x 36" in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current character area and zoning district of the property, the proposed character area and zoning district of the property, and the phone number of the Department.
 - (3) **Letters to Adjoining Property Owners.** The Department shall send notification of the requested variance by certified mail to all adjacent property owners as shown on the City tax records at the time of filing. All such notifications shall be mailed at least 15 calendar days

City of Valdosta Land Development Regulations

prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.

- (G) Public Hearing Procedures. The public hearing procedures for a variance application shall be in conformance with the following procedures. However, all testimony before the Zoning Board of Appeals shall be taken as if under oath, regardless of whether a formal oath or affirmation is administered.
- (1) Rules of procedure and presentation, as well as standards governing the granting of variances, shall be in writing and shall be available for distribution to the general public.
 - (2) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 - (3) The Chair shall request a report from the staff regarding its findings and recommendations.
 - (4) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The applicant shall have the right to be represented by counsel, to present a rebuttal, to conduct a cross-examination, and to present summary comments following presentation of those opposed to the petition.
 - (5) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
 - (6) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (I) of this Section.
 - (7) Within two (2) business days following the variance proceedings, the Zoning Board of Appeals shall provide a public written decision of each case citing the reasons for each decision.
- (H) Continuance of a Public Hearing. All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the Zoning Board of Appeals, if a majority of the members of the Zoning Board of Appeals present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the Department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in paragraphs (F)(1), (F)(2), and (F)(3) of this Section.
- (I) Standards for Granting Variances.
- (1) Granting Variances. The Zoning Board of Appeals shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented and supporting written conclusions that the variance meets each of the following criteria:
 - (a) Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
 - (b) Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the LDR are literally enforced.
 - (c) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

City of Valdosta Land Development Regulations

- (d) The condition is created by the regulations of Title 2 of the LDR and not by an action or actions of the property owner or the applicant.
 - (e) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
 - (f) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
 - (g) The requested variance will not be inconsistent with the general spirit and intent of Title 2 of the LDR or the purpose and intent of the Comprehensive Plan.
 - (h) The applicant has demonstrated that necessary proof as required in Section 242-10.
- (2) No Variance Shall Be Authorized To:
- (a) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
 - (b) Allow an increase in maximum height of building.
 - (c) Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a conditional use permit by the City Council.
 - (d) Reduce, waive or modify in any manner the minimum lot area established by the LDR in any zoning district.
 - (e) Reduce, waive or modify in any condition of approval established by the City Council.
 - (f) Permit the expansion or enlargement of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination unless a PELUC certificate has been issued pursuant to Section 234-14 or non-conforming use requiring a Conditional Use Permit.
 - (g) Permit the re-establishment of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, unless a PELUC certificate has been issued pursuant to Section 234-14, or non-conforming use requiring a Conditional Use Permit where such use has lapsed.
- (3) Ability to Impose Special Conditions. The Zoning Board of Appeals may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.

Section 242-10 Burden of Proof in Appeals and Variances

- (A) **Requirements.** The standards and requirements of the LDR and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the LDR and the Comprehensive Plan.
- (B) **Review.** It is the duty of the Zoning Board of Appeals to review such facts and evidence in light of the intent of the LDR to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the LDR on the applicant's property.

City of Valdosta Land Development Regulations

Section 242-11 Effect of Decisions of Zoning Board of Appeals

- (A) Compliance with Standards Upon Denial. If an application to the Zoning Board of Appeals is initiated as a result of an existing violation of the LDR, and the application is denied, the violation shall be required to be corrected within 15 calendar days of the denial or as specified by the Zoning Board of Appeals if a greater time period is required. The maximum extension of time the Zoning Board of Appeals may grant for correction shall not exceed 90 calendar days.
- (B) Successive Applications. When an application for a variance is denied by the Zoning Board of Appeals, a subsequent variance application affecting all or a portion of the same property shall not be accepted sooner than 12 months after the date of the decision by the Zoning Board of Appeals on the initial application. However, the Zoning Board of Appeals may reduce this time interval by majority vote, provided that the time interval between the date of the initial denial and any subsequent application or amendment affecting the same property shall be no less than 6 months.

Section 242-12 Appeals of Decisions of the Zoning Board of Appeals

Appeals of all final decisions of the Zoning Board of Appeals under the provisions of this Chapter shall be as follows:

- (A) Review of Decisions. Any person aggrieved by a final decision of the Zoning Board of Appeals, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Lowndes County for a Writ of Certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 calendar days after the final decision of the Zoning Board of Appeals is rendered.
- (B) Notice to the Board. In any such petition filed, the Zoning Board of Appeals shall be designated the Respondent in Certiorari and the City of Valdosta the Defendant in Certiorari. The Secretary of the Zoning Board of Appeals shall be authorized to acknowledge service of a copy of the petition and writ for the Zoning Board of Appeals as respondent. Service upon the City as defendant shall be as otherwise provided by law. Within the time prescribed by law, the Zoning Board of Appeals shall cause to be filed with the clerk of Lowndes County Superior Court a duly certified record of the proceedings had before the Zoning Board of Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Zoning Board of Appeals.

Section 242-13 Administrative Variances

- (A) Procedure. The following administrative variances may be submitted to the Department, which shall grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated.
- (1) Administrative Variances to the Required Minimum Yard Setback Standards. A person desiring to decrease any required minimum yard setback on the effective date of the LDR by no more than 50 % of the minimum standard in the zoning district.
 - (2) Administrative Variance to the Required Minimum Distance between Buildings on the Same Lot. Any person desiring to decrease the required minimum distance between buildings on the same lot by no more than 2 feet.
 - (3) Administrative Variance from the Required Parking Standards. Any person desiring to reduce the minimum number or increase the maximum number of parking spaces permitted in Chapter 222 by 20% or less shall apply to the Director as provided in Section 222-3(F).
 - (4) Administrative Variance from the Parking Requirements for Front Yards. Any person desiring to obtain approval for parking in a required front yard where it is otherwise prohibited or restricted, provided that no such request shall be approved unless, in addition to any other

City of Valdosta Land Development Regulations

requirements, a 10-foot landscape buffer be provided between the public or private street right-of-way and the parking area.

- (5) Administrative Variance due to Right-of-Way Acquisition or Donation. The Department shall be authorized to approve an administrative variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
 - (a) To reduce required minimum lot size by up to 50 %.
 - (b) To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be non-conforming with respect to the minimum setback standards of this Title 2.
 - (c) To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
- (6) Administrative Variance from Development Standards of Overlay Districts. The Department shall be authorized to approve an administrative variance to specific development standards of the Overlay Districts pursuant to Chapter 210.
- (7) Administrative Variance from Transitional Buffer Requirements. The Department shall be authorized to approve an administrative variance to the minimum required width of transitional buffers as proscribed in Section 328-1(D).
- (8) Administrative Variances from Access Management Requirements. The Department shall be authorized to approve an administrative variance to specific access management requirements of Section 332-2(C), (D), (E) and (F).

(B) Application Procedures.

- (1) Form. An application shall be submitted on a form provided by the Department.
- (2) Fees. A non-refundable application fee shall accompany the application, as established from time to time by the City Council, to defray the actual cost of processing the application.
- (3) Documentation. The application shall be in such a form and contain such information and documentation as shall be prescribed by the Department, but shall contain at least the following:
 - (a) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
 - (b) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
 - (c) The size of the subject property.
 - (d) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - (e) A statement of the hardship imposed on the applicant by the LDR and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
 - (f) One (1) copy of a conceptual site plan drawn to a scale of 1" = 100' , including the following information:
 - i. Applicant's name.
 - ii. Date of drawing and revisions as applicable.
 - iii. Map of the location of the property and landmarks.
 - iv. Dimensions along all property lines.

City of Valdosta Land Development Regulations

- v. Existing and proposed site improvements, including all buildings and structures with usages, roadways with right-of-way dimensions and names, and all other site improvements relative to the development.
 - vi. The location and use of any existing buildings on adjacent lots, and their distance from property lines, as applicable.
 - vii. Existing and proposed natural resources including streams and other water resources, as applicable.
 - viii. Any additional information as necessary to allow an understanding of how the proposed development of the property meets the standards of Sections 242-9(I) and 242-10.
- (4) Review by Director. Within a reasonable time, not to exceed 10 calendar days after receipt of any application or receipt of additional information pursuant to this Section, the Director shall examine the application and notify the applicant (by mail) of any apparent errors or omissions and request such additional information as may be necessary for the processing of the application.
- (5) Within 15 working days after an application has been determined to be complete, the Department shall either grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated in accordance with the standards set forth in Section 242-13(C).
- (C) Standards for Issuance of Administrative Variances. In deciding whether to grant an application for an Administrative Variance, the Department shall consider all of the applicable standards provided in Section 242-9(I) of Title 2.
- (D) Appeals of Decisions by the Zoning Board of Appeals. Appeals from a final decision of the Department made pursuant to the provisions of Section 242-13 shall be to the Zoning Board of Appeals pursuant to Section 242-8. Decisions made by the Zoning Board of Appeals shall be final. All Appeals of decisions made by the Zoning Board of Appeals shall be by Writ of Certiorari from the Lowndes County Superior Court pursuant to Section 242-12.

Section 242-14 Administrative Permits

- (A) The Director is authorized to approve administrative permits for certain temporary uses if authorized in accordance with Section 218-1 Table of Permitted Uses.
- (B) Applications for administrative permits shall be filed on forms provided by the Department and shall be accompanied by a fee that shall be established by the Mayor and City Council. The application shall specify the nature, equipment and facilities, location and duration of the proposed temporary use and shall provide written consent of owners of the property where the activity is proposed to take place, if not the applicant, as well as the written consent of each property owner of the adjacent properties.
- (C) Within 10 days following receipt of a complete application, the Department shall approve, approve with conditions, or disapprove said application.
- (D) Prior to action on an administrative permit application, the Department shall conduct a site inspection of the location specified in the application and shall prepare a written analysis applying the criteria and standards set forth as follows:
- (1) The proposed temporary use complies with the applicable standards of Section 218 and other applicable requirements of the LDR.
 - (2) The applicant possesses a current business license for the proposed use, if required by law.

City of Valdosta Land Development Regulations

- (3) The location proposed for the temporary use(s) is appropriate in terms of each of the following criteria:
- (a) It provides adequate space for the proposed use.
 - (b) It makes adequate provision for public safety, access and traffic circulation.
 - (c) It makes adequate provision for utilities.
 - (d) It makes adequate provision for parking.
 - (e) It makes adequate provision for sanitation.
 - (f) It makes adequate provision for litter control and solid waste disposal.
 - (g) It is aesthetically compatible with the surroundings.
 - (h) It does not interfere with the use of the subject property and surrounding properties.
 - (i) It causes no undue emissions of smoke, light, heat, noise, runoff, or other forms of pollution.

Section 242-15 Conditional Approval and Alterations to Conditions

- (A) Conditions of Approval. The Planning Commission and the Department may recommend and the City Council may impose reasonable conditions upon the approval of any amendment to the Comprehensive Plan, Official Zoning Map or approval of a Conditional Use Permit that it finds necessary to ensure compliance with the intent of the Comprehensive Plan or City ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
- (1) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
 - (2) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
 - (3) Green space and open space conservation.
 - (4) Driveway curb cut limitations.
 - (5) Restrictions to land uses or activities that are permitted.
 - (6) Prohibited locations for buildings, structures, loading or parking areas.
 - (7) The provision of adequate ingress and egress.
 - (8) Making project improvements for streets, sidewalks, parks or other community facilities.
 - (9) Building height, massing or compatible architectural design features.
 - (10) Hours of operation.
 - (11) A requirement that development shall conform to a specific site plan.
 - (12) Other conditions that the City Council finds are necessary as a condition of approval of an amendment to the Comprehensive Plan, Future Development Map, Official Zoning Map or Conditional Use Permit.
- (B) Such Conditions, Limitations or Requirements shall be:
- (1) Set forth in the motion approving the amendment or Conditional Use Permit.
 - (2) Set forth in the local ordinance that officially recorded the amendment or Conditional Use Permit.

City of Valdosta Land Development Regulations

- (3) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the Comprehensive Plan amendment, Official Zoning Map amendment, or Conditional Use Permit to which the conditions are attached and shall be:
 - (a) Required of the property owner and all subsequent owners as a condition of their use of the property.
 - (b) Interpreted and continually enforced by the Department in the same manner as any other provision of the LDR.

(C) Alterations to Conditions of Approval.

- (1) Alterations or repeal of conditions attached to any amendment to the Comprehensive Plan, Official Zoning Map, or approval of a Conditional Use Permit shall be made only by the City Council following a duly advertised public hearing conducted in accordance with Section 242-4(F) of this Chapter. Notice shall be provided in accordance with Section 242-4(E).
- (2) Alterations or repeal of conditions attached to a variance granted by the Zoning Board of Appeals shall be made only by the Zoning Board of Appeals following a duly advertised public hearing conducted pursuant to procedures provided in Section 242-9(G) of this Chapter. Notice shall be provided in accordance with Section 242-4(E).

Section 242-16 Orientation and Continuing Education Training for Planning Commission and Zoning Board of Appeals Members

- (A) Training. Each Planning Commission and Zoning Board of Appeals member shall, within 120 calendar days after appointment, attend a minimum of 4 hours of orientation training concerning the duties of the Planning Commission or Zoning Board of Appeals, as applicable, and the substance of the LDR pertaining to his/her responsibilities. Such training program shall be provided by the staff of the City or its designated provider.
- (B) Continuing Education. Each Planning Commission and Zoning Board of Appeals member shall, within each period of 2 consecutive calendar years, starting at the date of the individual's appointment, attend no less than 8 hours of continuing education in any of the subjects listed in subsection (E) of this Section as provided by the American Planning Association (APA), the Georgia Chapter of APA (GPA), the Georgia Association of Zoning Administrators (GAZA), or as otherwise approved by the Director. Such training program shall be either through personal attendance or through audio or video teleconference.
- (C) Written Statements. Each of the individuals above shall certify his or her attendance by a written statement filed with the Secretary of his or her respective Planning Commission or Zoning Board of Appeals by December 31 of each calendar year. Each statement shall identify the date of each program attended, its subject matter, location, sponsors and the time spent in each program.
- (D) Funding. The Planning Commission, Zoning Board of Appeals or the legislative body of the government in which the Planning Commission and Zoning Board of Appeals have jurisdiction or representation, shall be responsible for providing training, as required in subsections (A) and (B) of this Section or for providing funding to each Planning Commission and Zoning Board of Appeals member so that each individual may obtain training, as required by subsections (A) and (B) of this Section, from other sources approved by the Director.
- (E) Education Subjects. The subjects for the education required by subsections (A) and (B) of this Section shall include, but not be limited to, the following: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; parliamentary procedure; public hearing procedure; planning or administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the Planning Commission and

City of Valdosta Land Development Regulations

Zoning Board of Appeals. Other topics reasonably related to the duties of planning officials may be approved by the Director prior to December 31 of the year for which the credit is sought.

- (F) Documentation of Training. The Planning Commission and Zoning Board of Appeals shall keep in its official public records originals of all statements and the written documentation of attendance required in subsection (C) of this Section filed with the Secretary of each board pursuant to subsections (A) and (B) of this Section for 3 years after the calendar year in which each statement and appurtenant written documentation is filed.
- (G) Removal from Position. Members of the Planning Commission or Zoning Board of Appeals shall be subject to removal if they fail to:
- (1) Complete the requisite number of hours of orientation training and continuing education within the time allotted in this Section.
 - (2) File the statement required by this Section.
 - (3) File the documentation required by this Section.

Section 242-17 Conflict of Interest

- (A) Disclosure of Conflicts. A member of the City Council, Planning Commission, or Zoning Board of Appeals who:
- (1) Has a property interest in any real property affected by a rezoning action that is under consideration by the Planning Commission or City Council;
 - (2) Has a financial interest in any business entity that has a property interest in any real property affected by a rezoning that is under consideration by the Planning Commission or City Council; or
 - (3) Has a member of the family having any interest described in paragraphs (1) or (2) of this subsection.

Shall comply with the requirements of O.C.G.A. 36-67A-1, et seq., as amended.

Section 242-18 Disclosure of Campaign Contributions

It is the duty of all applicants and opponents of rezoning actions who have made campaign contributions aggregating \$250 or more to a member of the City Council or within two (2) years prior to the applicant's application for the rezoning action, to comply with the requirements of O.C.G.A. 36-67A-1, et seq., or as amended.