

## **ARTICLE 4. GENERAL PROCEDURES**

### **Sec. 401. Initial information.**

- A. Article 4 outlines the procedures to be followed in order to comply with the requirements of this ordinance. Initial information about the ordinance may be obtained from the zoning administrator.
- B. The zoning administrator will provide and maintain copies of the ordinance for review and/or sale.

### **Sec. 402. Compliance with zoning ordinance required.**

- A. No building is to be erected, used, occupied, moved, or altered in a manner that does not conform to the requirements specified for the district in which it is located.
- B. The only exception to this requirement is that all buildings or uses which lawfully existed at a particular location at the time this ordinance was adopted may be continued but only, as provided in section 403, "Continuance of non-conforming uses."

### **Sec. 403. Continuance of non-conforming uses.**

Invariably, at the time a land use and development control ordinance is adopted or amended, certain uses which lawfully existed prior to the adoption or amendment will not conform to the regulations and standards for the districts in which they are located. These are known as non-conforming uses, and in order to feasibly adopt the ordinance and so as not to cause undue economic hardship on owners of non-conforming uses, these uses are allowed to continue under special conditions as outlined in the following parts of this section:

- A. Where a non-conforming use of a building or lot has ceased for more than twelve (12) consecutive months and any part of that twelve-month period occurs after the adoption of this ordinance or where a nonconforming use has changed to a permitted or conforming use, further use of the building or lot shall be in conformance with the standards and requirements for the district in which it is located.
- B. A non-conforming use shall not be extended or altered unless the extension or alteration is in conformance with the requirements of this ordinance.
- C. A non-conforming use which is altered or extended shall meet applicable Pike County building codes and development regulations. When an applicant seeks a building permit for the extension or alteration of a nonconforming use, the zoning administrator or their designee will inspect the unit and determine what (if anything) is needed to bring the unit into conformance with applicable building codes and development regulations. Upon determining that the unit meets applicable building codes and development regulations, he will issue the building permit for the non-conforming use.
- D. A non-conforming structure may be repaired, maintained and, in case of destruction, replaced, so long as any such repair, maintenance or replacement does not in any way increase its nonconformity, and it remains otherwise lawful.

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**Sec. 404. Height of fences and walls in a residential and commercial zoning district.**

- A. No fence shall exceed six (6) feet in height above the adjoining ground level in any residential zoning district. Fences in the front yard are only allowed in the A-R and RR zoning districts.
- B. No fence shall exceed six ( ) feet in height above the adjoining ground level in any non-residential zoning district.
- C. No fence shall encroach into the public right-of-way.
- D. Barbed wire or other sharp, pointed fence material shall be allowed on property zoned A-R for the purpose of livestock constraint.
- E. Barbed wire or other sharp, pointed fence material shall be allowed at the top of fences on property zoned C-3, M-1, and M-2.
- F. A fence a minimum of four (4) feet in height shall be required for all swimming pools with a minimum of 24 inches of water. (See ICC requirements for pool enclosures)

**Sec. 405. Building permit required.**

- A. The developer or other person wishing to do any of the following must first apply to the building official for a building permit:
    - 1. Excavation or filling of a lot for the construction of a building.
    - 2. Erection, movement or demolition of a building, greater than one hundred twenty (120) square feet gross floor area.
    - 3. Enlargement or other work on an existing building where it is determined by the building official that inspection of the work is necessary. The building official shall maintain a list of work that requires a permit within his office.
    - 4. Installation of a manufactured home or industrialized building.
    - 5. All fences four (4) feet or taller shall require a permit.
  - B. No electrical service will be made available to the site of new construction until a building permit is secured.
  - C. The building permit must be applied for either by the owner of the land upon which the proposed building or alteration is to be located, or by the contractor doing the work.
  - D. The applicant may obtain a building permit application from the building official. He should complete the application form and submit it to the building official, together with any supporting documentation which the building official may specify.
  - E. No application will be accepted from any person who is in violation of the zoning ordinance. If an applicant for a building permit is, at the time of such an application, determined by the building official to be in violation of the zoning ordinance, then the building official will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the building official that he has ceased the violation and obtain a release from the zoning administrator as to the violation.
  - F. When the applicant has ceased to be in violation of this ordinance, the building official will then accept the application for the building permit.
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- G. Before a building permit is issued by the building official, the Pike County Health Department must approve the proposed water supply and sewage disposal facilities required in connection with the proposed building or structure. In areas served by a public water and sewage system, the health department may elect to waive the requirement for approval. After study of the site of a proposed use, the health department may require for health reasons that all or any portion of the site not be used for the intended purpose. The health department may also set a minimum lot size larger than that required by this ordinance. The county health department will either approve or disapprove the water and sewer facilities within thirty (30) days of receipt of the application from the zoning administrator, providing a written decision, including reasons for the decision.
  - H. Except as otherwise provided by this ordinance, an existing use which is altered or extended must meet applicable uniform development ordinances and standards as adopted by the county. Information about applicable development ordinances and standards may be obtained from the building official.
  - I. The building official is in charge of issuing building permits. The building permit will be issued if, upon review of the application, the building official is satisfied that the proposed project can meet the requirements of this ordinance and all other applicable ordinances. The building official may require the submission of additional information in order to determine if the proposed project meets the requirements of this ordinance.
  - J. If the building official determines that the proposed project as presented in the building permit application will not satisfy the requirements of this ordinance, he will not issue a building permit. He will notify the applicant in writing within ten (10) days of the submission of the application, stating reasons for the refusal. The applicant will then need to confer with the building official to determine what he needs to do in order to comply with the ordinance and be eligible for a building permit.
  - K. Work or construction authorized by a permit must commence within one hundred eighty (180) days after the date of issuance. The building official may grant an extension of time in which to commence work or construction for an additional one hundred eighty (180) days, upon written request and a showing of justifiable cause. Any extension granted by the building official shall be documented in writing. In the event work is not commenced within the time authorized, the permit shall be void. If construction has begun on an approved project and then ceases before the project has been completed, construction must restart within twelve (12) months from the time that it was stopped or the permit will become invalid and a new one must be applied for if construction of the project is desired to resume at a future date. Records of the building permits, applications and supporting materials will be maintained by the building official.
  - L. All newly constructed buildings, as well as additions, extensions or enlargements of structures must comply with all building codes in effect in Pike County. The building official will explain the procedures and timing of inspections to determine if work meets applicable codes.
  - M. The building official may revoke any building permit where there has been any false statement or misrepresentation as to a material fact or condition in the application or plans on which the permit was based, and upon such revocation, all construction, improvements or alterations as authorized by such permit or approval, shall cease until a valid building permit is issued.
  - N. The demolition and removal of a building as defined herein shall require a demolition permit. Such permit shall be valid for a period of ninety (90) days. The permittee shall be required, as part of the demolition project to remove all structure remnants, materials, debris, junk and equipment from the demolition site. The permittee shall also be required to meet soil erosion and sedimentation control requirements, including the permanent re-vegetation of the site.
  - O. The demolition and removal of a building as defined herein that has been issued a notice of violation per the Pike County Minimum Housing and Standards Code shall require a demolition permit. Such permit shall be valid for a period of thirty (30) days. The permittee shall be required, as part of the demolition project, to remove all structure remnants, materials, debris, junk and equipment from the demolition site.
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The permittee shall also be required to meet soil erosion and sedimentation control requirements, including the permanent re-vegetation of the site. The remodel or repair of any structure issued a notice of violation per the Pike County Minimum Housing and Standards Code shall require a building permit and submittal of an action plan to be approved by the building official.

**Sec. 406. Certificate of occupancy required.**

- A. A certificate of occupancy is required *before* a structure for which a building permit has been issued or where a change in use of the building has occurred may be occupied or used. The certificate of occupancy must be signed by the zoning administrator or their designee and attest that to the best of his knowledge all requirements of this ordinance have been met. The owner/contractor will then receive the certificate of occupancy to be used as confirmation that he has complied with the provisions of this ordinance.
- B. The zoning administrator or their designee will issue the certificate of occupancy upon notification by the building inspectors that all applicable building codes and other uniform development standards and ordinances have been met. However, if the building inspectors finds that all requirements of such ordinances have not yet been met when the owner/contractor seeks a certificate of occupancy, the zoning administrator will not issue the certificate of occupancy. The owner/contractor will then need to confer with the building inspector to determine what he needs to do in order to comply with the ordinance and be eligible for a certificate of occupancy.
- C. Certificate of completion may be issued by the building official to construction projects where the building of the structure is complete, but interior alteration or build-out may be proposed prior to occupancy. A structure or a portion of a structure receiving a certificate of completion shall not be occupied until the certificate of occupancy for the same is issued.
- D. Notice of approval may be issued by the building official to confirm that a particular system (HVAC, plumbing, electrical, etc.) has passed the prescribed inspections and tests necessary for the operation of such system.

**Sec. 407. Appealing an action of the zoning administrator or building official.**

- A. If the zoning administrator or building official executes an action which the aggrieved party believes to be contrary to this ordinance, that action may be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action by the zoning administrator or building official was taken.
- B. The planning and zoning board has jurisdiction for hearing appeals concerning actions of the zoning administrator or building official related to this ordinance. Applications for appeal may be obtained from and submitted to the zoning administrator, who will transmit them to the planning and zoning board for its consideration.
- C. When an action of the zoning administrator or building official is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the building official may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the building official may certify to the planning and zoning board that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless the construction is halted by the planning and zoning board or a restraining order is granted by a court of competent jurisdiction.
- D. When an application for appeal of an action of the zoning administrator or building official is received, the planning and zoning board will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in Pike County at least fifteen (15) days

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before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the planning and zoning board by certified mail with return receipt requested and postmarked at least fifteen (15) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.

- E. The planning and zoning board will make a decision concerning the appeal and record the decision in the minutes for that meeting. Any person aggrieved by a decision by the planning and zoning board may petition the Pike County Superior Court for a writ of certiorari.

### **Sec. 408. Variances.**

- A. A variance is a permit, issued by the planning and zoning board, which allows use of a parcel of land in a way that varies from the requirements for the district in which the property is located. A variance may be granted only in an individual, specific case under such circumstances as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulty (as distinguished from mere inconvenience) or unnecessary hardship so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

A variance may not be granted for the use of a parcel, building or structure that is prohibited by this ordinance.

A variance may not be granted based on circumstances created by the applicant, such as:

1. The purchase of a parcel with knowledge of an existing restriction;
2. A claim of hardship based on prospective sales; or
3. An expressed economic need, when such need can be met in other ways which would not require a variance.

The planning and zoning board shall, in granting a variance, determine that:

1. There are extraordinary and exceptional conditions pertaining to the particular parcel because of its size, shape, location and topography;
  2. Application of this ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner;
  3. Such conditions are peculiar and unique to the particular parcel;
  4. The variance, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance;
  5. A literal interpretation of this ordinance would deprive the applicant of any rights that others owning property within the same zoning classification are allowed;
  6. The variance, if granted, shall not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties within the same zoning classification;
  7. The variance may be granted with such conditions imposed as may be necessary to protect the health, safety, welfare and general value of the property in the general neighborhood; and
  8. Granting the variance shall not be based on consideration of any existing nonconforming uses on nearby parcels and no permitted use of any parcel in any other zoning classification.
- B. Relief from the hardship—the variance—must not cause substantial detriment to the public good or impair the purposes of this ordinance.

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- C. When a variance is issued, the spirit of this ordinance must be observed and the public safety and welfare secured. A variance may be granted only for permitted uses in the zoning district in which the property in question is located. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a variance).
  - D. The developer or owner wishing to request a variance must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The planning and zoning board or board of commissioners may also propose a variance. However, the power to approve a variance rests with the planning and zoning board, except that in consideration of a rezoning of property from one zoning district to another, the board of commissioners may approve a variance in connection with its approval of a conditional rezoning.
  - E. Application for a variance may be made with the zoning administrator. The zoning administrator will take the required information and transmit it to the planning and zoning board for its consideration. No application is to be accepted from any person in violation of the zoning ordinance. If an applicant for a variance or any other action by the planning and zoning board is, at the time of such application, determined by the zoning administrator to be in violation of the zoning ordinance, then the zoning administrator will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the zoning administrator that he has ceased the violation and obtain a release from the zoning administrator as to the violation.
  - F. When the applicant has ceased to be in violation of this ordinance, the zoning administrator will then accept the application for variance.
  - G. When an application for a variance is received, the planning and zoning board will set a time and place for a public hearing on the variance. Notice of the hearing must be published in a newspaper of general circulation in Pike County at least thirty (30) days before the hearing. Such notice will state the application number, owner's name, property location, its area, time, place and subject of the hearing. At least thirty (30) days before the public hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U.S. Mail to his last known address. Copies of all such letters will be maintained in the applicant's file.
  - H. The planning and zoning board will make a decision concerning the variance and record the decision in the minutes for that meeting.
  - I. The planning and zoning board may impose any other conditions which must be complied with by the applicant to compensate for the requirements varied from.
  - J. The planning and zoning board may establish performance bonds to assure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction must begin within six (6) months of the issuance of the variance. Otherwise, the Variance expires after six (6) months.
  - K. Any person aggrieved by a decision of the planning and zoning board on an application for a variance may petition the Pike County superior court for a writ of certiorari.
  - L. An administrative variance may be granted by the Director of Planning and Development with the filing of an application at the Planning and Development Department and the meeting of certain criteria. (Note: An administrative variance provides relief from certain standards of the Pike County UDC. It is not intended to provide relief from any standards related to deed restrictions or restrictive covenants that certain private properties may be subject to.) Reasonable effort shall be made to comply with the full standards of the
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Zoning Code first, but if the Director of Planning and Development believes that relief is warranted, he or she may grant administrative variance approval of certain Zoning Code requirements based on the following criteria:

1. Up to 10% deviation from minimum building setbacks.
2. Up to 10% deviation from minimum buffer widths or landscape strips specified in Article 26.
3. Up to 10% deviation from the square foot maximum for accessory buildings.
4. Up to 10% deviation from the minimum separation requirement between principal buildings and accessory buildings.
5. Up to 10% deviation on maximum building heights.
6. Up to 10% deviation on the number of required parking spaces for developments.
7. For Class "B" manufactured homes, approval of a 3:12 roof pitch versus the normally required minimum of a 4:12 roof pitch.

Instances of administrative variance approvals by the Zoning Administrator shall be included in the Planning and Development Department's reports submitted monthly to the Board of Commissioners.

### **Sec. 409. Special Use Permit.**

- A. Some zoning districts permit certain uses only upon approval of the board of commissioners, following preliminary review by the planning and zoning board. These uses are identified in this ordinance as special use permits and, in each case, carry specific circumstances under which the use should or should not be allowed.
- B. The developer or owner wishing to request a special use permit must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The planning and zoning board or board of commissioners may also propose a special use permit. However, the power to approve a special use permit rests with the board of commissioners.
- C. Application for a special use permit may be made with the zoning administrator. The zoning administrator will take the required information and transmit it to the planning and zoning board for its consideration.
- D. When an application for a special use permit is received:
  1. The zoning administrator will set a date, time and place for a public hearing on the special use permit. Notice of the hearing must be published in fifteen (15) days prior to the hearing. Such notice shall state the application number, owner's name, property location, including the land lot and district, street frontage, street address, tax map and parcel identification number, the total area of the subject property and the date, time, place and subject of the hearing. At fifteen (15) days but not more than forty-five (45) days before the hearing, notice of the date, time, place and subject of the hearing will be sent to the applicant or petitioner in writing by U.S. mail to his or her last known address and to the owners of all properties located within 1/4 mile of the subject property. Copies of all such letters will be maintained in the applicant file for permanent record.
  2. The zoning administrator must post a sign at least two (2) feet by three (3) feet in size in a conspicuous place on the property at least fifteen (15) days but not more than forty-five (45) days prior to the date of the scheduled public hearing. The sign must set forth the fact that it is a "SPECIAL USE PERMIT" It must show the date, time and place of the scheduled public hearing, and it must inform the public that additional information may be obtained from the zoning administrator.

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- F. All applications for a special use permit must first be reviewed by the zoning administrator. At this time, the zoning administrator will review the proposed special use permit and make written recommendations to the planning and zoning board.
- G. The planning and zoning board will consider the following points in arriving at a recommendation on the special use permit:
1. It must not be contrary to the purpose of these regulations.
  2. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely affect the health or safety of residents or workers.
  3. It must not constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fumes generated or type of physical activity;
  4. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use.
  5. It must meet all other requirements of this ordinance.
  6. In addition, the planning and zoning board shall also consider whether the applicant for the special use permit at the time of submitting the application is in violation of the Zoning Code or any other provision of Code of Pike County, Georgia. If the applicant is determined to be in violation of the Zoning Code or any other provision of the Code of Pike County, Georgia, then the planning and zoning board shall further consider the circumstances related to such violation(s) as part of the criteria for considering the requested special use permit.
- H. The planning and zoning board will conduct an official public hearing on any special use permit application; however, neither the amount of public participation nor expression of popular opposition to a proposal shall be a valid consideration in formulating a recommendation on the merits of the proposal.
- K. The following policies and procedures will be observed in conducting the required public hearing:
1. The hearing will be held in the Pike County Courthouse.
  2. Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
  3. Persons desiring to be heard orally may present their views at the hearing. The length of time for oral presentations will be 20 minutes in favor and 20 minutes against.
  4. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
  5. Cross-examination of persons making oral presentations will not be permitted.
  6. All questions will be addressed to the chairman of the planning and zoning board
- L. After the public hearing is conducted the planning and zoning board, shall forward a recommendation to the board of commissioners to approve or deny the requested special use permit, or recommend conditions which may restrict the use or development of the special use permit use in a manner not otherwise required by this zoning ordinance.
- M. The board of commissioners will conduct a public hearing for the special use permit after review of the planning and zoning board's recommendation and have final authority to approve, deny or place conditions which may restrict the use or development of the special use permit use in a manner not otherwise required by this zoning ordinance.
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## Sec. 410. Amendments.

- A. If a developer or landowner finds that a proposed new use of his land does not meet the requirements of this ordinance, he may request that the official map be amended to permit his proposed use pursuant to the procedures set forth herein:
1. The developer or owner requesting an amendment of the official map must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing under the owner's signature.
  2. The zoning administrator shall review the request for amendment of the official map to determine whether it is consistent with and complies with the requirements of the future land use map contained within the Pike County Comprehensive Plan.

The planning and zoning board or the board of commissioners may also propose an amendment. The power to approve and enact an amendment to the future land use map and an amendment to the official map rests within the legislative discretion of the board of commissioners.

- B. Application for an amendment may be made with the zoning administrator. The zoning administrator will take the required information and transmit it to the planning and zoning board for its consideration. No application is to be accepted from any person regarding any property that is in violation of the zoning ordinance. If the property which is the subject of an amendment or any other action of the planning and zoning board, at the time of such an application, determined by the zoning administrator to be in violation of the zoning ordinance, then the zoning administrator will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the zoning administrator that he has ceased the violation and obtain a release from the zoning administrator as to the violation.
- C. When the applicant has ceased to be in violation of the zoning ordinance, the zoning administrator will then accept the application for amendment.
- D. When an amendment is initiated which involves changing the zoning district of a parcel of land, the zoning administrator must post a sign at least two (2) feet by three (3) feet in size in a conspicuous place on the property at least fifteen (15) days but not more than forty-five (45) days prior to the date of the scheduled public hearing. The sign must set forth the fact that it is a "PUBLIC HEARING". It must show the present zoning classification, the proposed zoning classification, the purpose, date, time, and place of the scheduled public hearing, and it must inform the public that additional information may be obtained from the zoning administrator.
- E. All applications for amendment must first be reviewed by the planning and zoning board. The planning and zoning board will study the proposed amendment and determine if it meets the requirements of this ordinance, as well as other applicable ordinances of Pike County. At this time, the zoning administrator may review the proposed amendment and make written recommendations to the planning and zoning board.
- F. The planning and zoning board will, when considering a proposed amendment to the zoning ordinance, first determine whether the limitation imposed by such an amendment, if any, on the right to unrestricted use of property which might result from the proposed amendment is necessary to promote the public health, safety, or general welfare. In considering whether to recommend a change in the zoning classification of any particular property the planning and zoning board will balance the benefit to the public of the present zoning classification of the property against the detriment to the property owner, and scrutinize the application in light of the character of the land in question and the effect of the zoning decision upon the property owner's rights. In making these determinations, the planning and zoning board may consider the following:
1. The existing uses and zoning of nearby property.
  2. The suitability of the property for the proposed purpose.

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3. The length of time the property has been vacant.
  4. The threat to the public health, safety, and welfare if rezoned.
  5. The extent to which the value of the property is diminished by the present zoning.
  6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.
- G. The planning and zoning board may also consider whether development of the property in the zoning classification sought would do any of the following:
1. Have an adverse effect on the insurance rating of the county, or any substantial portion of the county, issued by the insurance service office or similar rating agency.
  2. Overtax any streets presently existing to serve the site, or other public facilities and utilities.
  3. Have a substantial adverse impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.
- H. The planning and zoning board will conduct a public hearing on any proposed zoning request; however, neither the amount of public participation nor expression of popular opposition to a proposal shall be a valid consideration in formulating a recommendation on the merits of the proposal. Notice of the public hearing must be published in a newspaper of general circulation in Pike County at least fifteen (15) days but not more than forty-five (45) days before the hearing. The location of the property, present zoning classification and proposed zoning classification must be indicated in the newspaper notice. Additionally, notice of the hearing shall be provided by United States mail to the owners of all properties located within 1/4 mile of the subject property, such notice shall be deemed delivered upon mailing.
- I. The planning and zoning board will make a written record of its findings along with its recommendations on the proposed amendment and forward a copy of its findings and recommendations to the board of commissioners within sixty (60) days of the date on which the proposed amendment was received by the zoning administrator. If the planning and zoning board fails to send its findings and recommendations to the board of commissioners within the aforesaid sixty (60) days, it will mean that the planning and zoning board approves the amendment.
- J. The board of commissioners must then conduct a public hearing on the amendment. Notice of the hearing must be published in a newspaper of general circulation in Pike County at least fifteen (15) days but not more than forty-five (45) days before the hearing. The location of the property, present zoning classification, and proposed zoning classification must be indicated in the newspaper notice. Additionally, notice of the hearing shall be provided by United States mail to the owners of all properties located within 1/4 mile of the subject property, such notice shall be deemed delivered upon mailing.
1. The public hearing before the board of commissioners may be continued twice by action of the board of commissioners.
  2. The applicant or property owner shall be entitled to continue the consideration of the application to the next board of commissioners hearing date once, as a matter of right.
  3. The applicant or property owner shall also be entitled to continue the consideration of the application to the next board of commissioners hearing date in the event the hearing date on which the application is heard is attended by less than all members of the board of commissioners, provided such application has not been previously continued.
  4. Should the applicant or property owner desire to further continue the public hearing the applicant or property owner shall be required to submit a written request at least 48 hours prior to the scheduled date of hearing to continue to the zoning administrator giving specific reasons as to why the public
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hearing should be continued. In such event, the continuation of the application from the public hearing is at the sole discretion of the board of commissioners.

- K. The following policies and procedures will be observed in conducting the required public hearing:
1. The hearing will be held in the Pike County Courthouse.
  2. Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
  3. Persons desiring to be heard orally may present their views at the hearing. The length of time of oral presentations permitted to each speaker will be determined by the chairman of the board of commissioners and will depend upon the number of persons present and desiring to speak. Personal remarks will not be tolerated.
  4. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
  5. Cross-examination of persons making oral presentations will not be permitted.
  6. All questions will be addressed to the chairman of the board of commissioners.
- L. After reviewing the record of the public hearing, considering the recommendations of the planning and zoning board and applying the criteria set forth above, the board of commissioners may approve or deny the requested amendment, reduce the land area for which the amendment is requested, change the district or land use category requested, or impose conditions which may restrict the use or development of the property in a manner not otherwise required by this zoning ordinance. Any such conditions imposed by the board of commissioners shall be incorporated into this zoning ordinance and shall become a part of the official zoning map, whether or not actually entered upon the official zoning map.
- M. If the board of commissioners denies a proposed amendment, a minimum period of six (6) months must pass before an amendment proposal is again submitted for consideration for the same property.

### **Sec. 411. Conditional approval.**

Any application for an amendment to this ordinance, any application for an amendment to the zoning map of Pike County and any application for special use permit allowed within the various zoning districts within the Pike County Zoning Ordinance may be approved subject to conditions which relate to the use, occupancy, or development regulations for the property contained in the application. Conditions imposed on the property may only be more restrictive than the requirements of any zoning district and other applicable parts of this ordinance as may apply to the property. The following policies shall apply:

- A. *Controls proposed by application.* An applicant may propose controls to be considered by the planning and zoning board, the planning and zoning board and the board of commissioners. Such proposed controls may include plans, limitations of use and occupancy, or more restrictive development standards than would otherwise be applied to the property. Such proposed controls may be eliminated or changed into conditions of approval as submitted, or they may be eliminated, modified or extended. The board may choose to incorporate, as conditions of approval, selected restrictions or requirements which were not included in the request for controls submitted in the original application.
  - B. *Consent not required.* Approval of applications subject to conditions shall be executed with or without the consent of the applicant.
  - C. *Conditions shall be permanent.* All conditions imposed by action of the board of commissioners shall remain on the property regardless of changes of ownership.
  - D. *Changes of conditions.* Conditions shall be changed only through the amendment process by which they were established or when expressly overridden by a state government authority taking precedence over the area of regulation.
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### **Sec. 412. Site plan requirements for rezoning.**

Any Applicant seeking rezoning of property in Pike County, Georgia, shall submit a conceptual site plan depicting the proposed use of the property including:

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed locations of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals (USGS Quad sheets may be used);
- K. Location and elevation of the 100-year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

### **Sec. 413. Multiple parcel rezoning.**

Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the application.

### **Sec. 414. Appealing an action of the board of commissioners.**

If the board of commissioners takes an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed to the Pike County superior court. Such an appeal must be filed within thirty (30) days of the date on which the action of the board of commissioners was taken.

### **Sec. 415. Fees.**

See the most recent fee schedule approved/adopted by the board of commissioners.

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### **Sec. 416. Department of transportation permit and review of plans required.**

Prior to the issuance of any permit, the Georgia Department of Transportation must issue a permit for access to the state highway system for any development for which means of ingress and egress shall be obtained from any road within the state highway system. In addition, the review and approval of the development plan by the Georgia Department of Transportation must be obtained prior to issuance of any permit for property which abuts any road within the state highway system.

### **Sec. 417. Penalties.**

Any person who violates any provision of this ordinance or any amendment to this ordinance, or who fails to perform any act required hereunder or commits any prohibited act shall be guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars (\$1,000.00) for each offense. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

### **Sec. 418. Remedies.**

If any building or land is used or maintained in violation of this ordinance, anyone, including the county, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

### **Sec. 419. Temporary housing in case of disaster.**

The zoning administrator may authorize the use of a mobile home, trailer or recreational vehicle for use as a temporary dwelling when located on the same lot as a permanent dwelling which has been rendered uninhabitable due to damage caused by fire, storm, tornadic activity, hurricane or other natural disaster, in order to permit the persons who were residing in the damaged dwelling to continue to reside on the lot while the damaged dwelling is repaired or reconstructed. In determining whether to grant such authorization, the zoning administrator shall consider the safety of the proposed temporary occupancy, the availability and adequacy of the wastewater disposal system during the temporary occupancy, and any other potential circumstance that may impact the public health, safety and welfare of the residents and adjoining property owners. The zoning administrator shall, as a part of such authorization, specify the terms and conditions of the temporary occupancy and the maximum length of time that the temporary occupancy may continue (which may be extended for good cause shown). Decisions of the zoning administrator under this ordinance shall be final and not subject to appeal.