Date: November 26, 2018
For the Elbert County Planning Commission meeting:
Date: December 4, 2018

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP (BASELINE CORPORATION)
APPROVED: CHRISTINA STANTON, AICP, DIRECTOR OF CDS
VINCE HARRIS, AICP (BASELINE CORPORATION)

RE: AMENDMENTS TO THE ELBERT COUNTY ZONING REGULATIONS

APPLICANTS: ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS
THRU: Elbert County Community and Development Services

REPRESENTATIVE: Christina Stanton, AICP, Director of CDS

SUMMARY OF REQUEST
The Elbert County Board of County Commissioners (BOCC) directed CDS Staff to propose a wholesale amendment to the Elbert County Zoning Regulations (ECZR). The main goals of these revisions are to:
- Simplify and consolidate the number of processes
- Clarify overlapping & conflicting regulations
- Streamline timeframes
- Ensure developers prepare quality plans and designs and understand the process
- Increase citizen communication and clarify expectations

AMENDMENTS TO THE ZONING REGULATIONS
Part I, Section 4 of the ECZR identifies the required procedure for amending the Zoning Regulations.

Part I, Section 4. B. Procedure.
1. CDS shall be responsible for processing all amendment requests.
2. Any amendment(s) proposed shall be submitted to the Planning Commission for its review and recommendation prior to any action at a public hearing by the Board of County Commissioners.
DESCRIPTION OF PROPOSED AMENDMENTS

The current Elbert County Zoning Regulations (ECZR) were last adopted in a wholesale manner in 2011. Several amendments have been made since then but not “codified” or compiled into a single, easy to access, regulation document. The revisions proposed today have taken the numerous resolutions that comprise the ECZR and compiled, combined, and removed overlapping regulations into a new version.

Given the large scale re-write of the ECZR, it is not possible to provide a single document that tracks changes from existing to proposed wording. This staff report seeks to provide a summary of the keys point of difference between the current and proposed ECZR.

Note: The proposed ECZR contains Articles while the current ECZR contains Sections.

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

- Much of the text in this article comes from current ECZR Part I, Section I.
- Applicability to Government Facilities (Article I.E) was added to clarify use, lot, and building standards for government facilities.
- Article I. F Planning Commission comes from Part I, Section 2 with updates.
- Article I. G Board of Adjustments comes from Part I, Section 3 with updates.
- Proposed clause G.4. (j) Allows the BOCC to appoint themselves as a BOA in the event of total vacancy.
- Articles I. H & I Enforcement Articles were adopted by the BOCC in March 2018 (Reso. 18-16).

ARTICLE II. GENERAL REQUIREMENTS AND PROCEDURES

- This section consolidates many pieces of the exiting regulation into one Article.
- Article II.B. General Requirements, C. General Responsibilities, D. Referral Process, E. Notice Process, and F. Submittal Process now serve as a single location for identifying the common elements required to be submitted for all zoning applications.
- Article II.D & E (Referral and Notice) standardized all procedures and process into one location.
- Article II.G. Appeals is a new section.

ARTICLE III. SPECIFIC PROCESSES

- Outlines the details for zoning application processes.
- Includes sub-sections with detailed information for submitting and processing Pre-Application Meeting, Community Meeting, Rezoning, Special Use by Review, Minor Special Use by Review (new), Site Development Plan (new), and Variance.
- Article III. C. Rezoning
  - Incorporates elements from Part I, Section 6
  - PUD vs. Straight Zone requirement threshold removed
  - All submittal items and process point back to Article II
  - Specific review criteria simplified
• Article III. E. Special Use by Review (SUR)
  o Incorporated elements from Part I, Section 17
  o Sets up the process for SUR
  o Community Meeting is required, unless waived by CDS Director
  o All submittal items and processes point back to Article II
  o Specific review criterial simplified

• Article III. F. Minor SUR
  o New process
  o Sets up process for CDS Director approval of Minor Special Use Permits
  o Minor SUR uses are identified in the use table in Article V.E.

• Article III. G. Site Development Plans (SDP)
  o New process to review and approve site development plans
  o Sets up a process for CDS Director approval of SDPs
  o In any zone district, SDP approval is required prior the issuance of building permits for industrial, commercial, multi-family, mobile home park, recreational and institutional uses in the following situations:
    ▪ (1) To construct any new improvement that requires a Building Permit and/or Grading Permit.
    ▪ (2) Prior to any changes in use from a residential use to an industrial, commercial or institutional use regardless of whether there are existing or proposed buildings.
    ▪ (3) To construct a major utility or utility service facility or telecommunications site.
  o SDP approval is not need for:
    ▪ Single or two unit residential land uses.
    ▪ Agricultural land uses.
    ▪ Normal maintenance, alterations, etc.

• Article III. H. Variance
  o Sets up a Major and Minor Variance
  o Major:
    ▪ Greater than 15% variation to a numeric standard
    ▪ Board of Adjustments Hearing
  o Minor:
    ▪ 15% or less to a numeric standard
    ▪ CDS Director - Administrative Decision
    ▪ Appealable to BOA

ARTICLE IV. ZONE DISTRICTS
• Part II, Sections 2-15 are condensed and the purpose and intent is described for each zoning district.
• The existing zone districts are categorized into 6 Contexts of
  o Agriculture,
  o Residential Agriculture,
  o Residential,
  o Commercial and Industrial,
  o Other contexts
• Obsolete Zone Districts
  - There are no major changes to any zone district other than Mobile Home, which only allows for existing Mobile Homes, and the removal of the inapplicable “MF” zoning.

ARTICLE V. USE AND SUPPLEMENTAL STANDARDS
• Consolidated all Uses into one table.
• Removes confusion on SUR applicability (current Part II, Section 17 is nebulous and appears to only apply to the A district, but not consistently.)
• Article V. C. Use Determination replaces Part II, Section 18 Uses Not Itemized
• The Table of Uses was simplified to make it easier to enforce, understand, and interpret without removing any use from a zoning district.
• Article V. E. Supplemental Standards contains much of the existing ECZR text for standards, requirements, and details, now consolidated into one location and updated for clarity and removal of unnecessary regulations.

ARTICLE VI. DIMENSIONAL STANDARDS
• Consolidates all setbacks, heights, lot size requirements into two tables.

ARTICLE VII. PLANNED UNIT DEVELOPMENT
• This section comes from the first half of the existing Part II, Section 16 PUD
• The Development Guide (PUD Standards) is now required to be placed on the PUD Graphics before recording.
• Subdivision Improvement Agreement (SIA) specific requirements should now be in an SIA and not in a DGA. Some existing DGAs appear to mix SIA and DGA.
• Design Standards have been moved to a separate article (see below) for clarification.

ARTICLE VIII. DESIGN GUIDELINES FOR RESIDENTIAL DEVELOPMENT
• This section comes from the second half of Part II, Section 18. It now applies to all residential development, regardless of zone district. Currently the guidelines only apply to PUDs.

ARTICLE IX. ECONOMIC DEVELOPMENT ZONE OVERLAY
• This article is reserved for the final version of the EDZ.

ARTICLE X. NONCONFORMITIES
• The text in this section comes from Part I, Section 5 and includes lots, uses, structures, uses of structures, and termination of nonconforming uses.

ARTICLE XI. SIGNS
• Based on of Part II, Section 19
• This article should still be reviewed in the future to maintain content neutrality regarding sign regulation, aligned with the Supreme Court First Amendment Protected Speech.
ARTICLE XII. OFF-STREET PARKING REQUIREMENTS
- Comes from Part II, Section 20 with no major changes.
- Updates to ADA parking space requirements.
- The CDS Director or DPW Director, instead of the BOCC, can now approve the alternative use of a pavement.

ARTICLE XIII. SPECIAL EVENTS
- This article is reserved for future special event permit regulations.

ARTICLE XIV. NONCOMMERCIAL HOUSEHOLD PETS, DOMESTIC HOOFED LIVESTOCK, POULTRY, FOWL AND LIVESTOCK
- This article comes from Part II, 23 with no major changes. Some updates may be necessary in the future.

ARTICLE XV. FLOOD DAMAGE PREVENTION & FLOODPLAIN MANAGEMENT
- This is a direct copy of current Resolution 12-14 with reformatting into the new format.
- Some citations must still be updated.

ARTICLE XVI. SPECIAL DISTRICTS
- This Article replaces current Part II, Section 26, which was adopted in 2012 (Reso. 13-13).
- The intent is to simply follow state statutes when reviewing and approving service plans for new Title 32 Special Districts.

APPENDIX A. DEFINITIONS
- CDS Staff has compiled definitions from various sources including the current ECZR and amendments and the Site Plan guidelines. Some definitions have changed and some have been removed.

APPENDIX B. CERTIFICATIONS, DEDICATIONS, AND ACKNOWLEDGEMENTS
- The certificate blocks were updated as necessary for new titles. Who signs which documents was revised. The information for this Appendix will be added.

CRITERIA FOR REVIEW
Adopting new and revised regulations is a legislative process and there are no specific criteria for review. A noticed public hearing must be held. Notice of public hearing was published (or will be published) as follows:
- In the Ranchland News on October 25, November 15, and December 6, 2018
- In the Elbert County News on November 1, November 15, and December 6, 2018
PUBLIC WORKSHOP/OPEN HOUSE

Elbert County staff and consultants conducted a public workshop/open house in December 2017 in which some of the concepts of the revised ECZR was presented to the public and feedback sought.

PUBLIC HEARING DATES

Public hearing dates are set for

- Planning Commission: November 27, 2018 (expected to be continued to December 4, 2018)
- Board of County Commissioners: December 19, 2018

RECOMMENDATION

Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners approve the proposed revised Elbert County Zoning Regulations, with any textual edits that may be proposed.

Respectfully submitted to and on behalf of Elbert County,

Ethan Watel, AICP
Planning Manager
Baseline Corporation
Contract Planner for Elbert County

CC. Sam Albrecht, Elbert County Manager
    Bart Greer, Elbert County Attorney

Attachment A – Redline version of proposed ECZR dated November 26, 2018 as compared to last draft from October 2018

Attachment B – Clean version of proposed ECZR dated November 26, 2018 (provided electronically)