

**After
Agenda**

**Board of Commissioners of Spalding County
Zoning Public Hearing
Monday, June 25, 2020
6:00 PM
Room 108, Annex Building**

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, June 25, 2020, beginning at 6:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioners James Dutton, Rita Johnson and Bart Miller were present for the meeting. Commissioner Donald Hawbaker was absent from the meeting. Also present were County Manager, William P. Wilson, Jr. and Assistant County Manager, Michelle Irizarry, who recorded the minutes, Zoning Attorney, Newton Galloway and Community Development Director, Debbie Bell.

- A. OPENING (CALL TO ORDER)** by Chairperson Gwen Flowers-Taylor.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

- B. INVOCATION**

Chairperson Flowers-Taylor, District #1 delivered the Invocation.

- C. PLEDGE TO FLAG**

Commissioner Bart Miller, District #4, led the pledge to the flag.

- D. Public Hearings**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

- E. New Business**

- 1. Amendment to UDO #A-20-04:** Article 2. Definitions of Terms Used – Section 202:DD’ – add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural as special exception and Section 503:D – add Event Center, rural as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural as accessory use.

Debbie Bell, Community Development Director, stated there has been considerable interest from individuals regarding event centers and venues for weddings and meetings, so this definition was added as a principle use with Special Exception under AR-1 or as an accessory use in AR-1 with Special Exception and also as an accessory use with Special Exception in Agricultural Tourism District.

The Planning Commission recommended approval of the amendment with language that has been added regarding restrictions on outdoor lighting to make sure the lighting did not escape the property. We have specified downcast fixtures and house side shields on the lighting where necessary.

Newton Galloway, Zoning Attorney, then advised the Board that the other applications that have come before the Board have been as Home Occupations. So, rather than treating them as a Home Occupation, we felt it would be better to set guidelines for event centers. If there is not a home at the location, have it as a principle use, with special exception approval. If there is a home there, then have this approve as an accessory use rather than a home occupation and put guidelines and restrictions on the operations.

Chairperson Flowers-Taylor then asked what is the difference in the property having this as an accessory use, if it is still on their property how is that different from a Home Occupation?

Mr. Galloway stated that this would place specific criteria in the code for this type of operation, if this is approved. The accessory use for those who live on a piece of property that is big enough to host events and their house would remain the principle use for the property and then the accessory use would be their event facility, but they still retain their home there.

Commissioner Johnson asked if this would be a separate structure?

Mr. Galloway advised that all the requests that have come before the Board have been for an additional structure. They may be building a barn, a pole barn and converting it or there was some type of structure there.

Mr. Galloway then stated that the definition as stated in this Amendment along with the criteria listed dealing with how big the lot has to be and it has to be on a paved road so you don't have excessive amounts of traffic on a dirt road. A maximum event size, parking and outdoor lighting, noise, sanitary facilities and a site plan. He then advised that this was prompted by the number of inquiries received from people who had 10-20 acres of land and decided they wanted to have a home occupation to do these events. So, we looked at the requests, made the decision to define the use, limit it to certain zoning districts and limit it by development criteria.

Commissioner Johnson stated that she can appreciate the steps we are taking to put some restrictions on these types of events, but if she is a neighbor it is kind of rough.

Ms. Bell stated that having these types of development criteria will help to ensure that only people who are serious about providing a truly nice venue will pursue it. Where without the criteria, it is very wide open to whatever someone wanted to do in terms of an event center.

Commissioner Miller then asked if there was a set number of acres for this?

Mr. Galloway advised it would be a minimum of 10 acres; however, the Board can change that to a larger tract. Mr. Galloway stated that the Board could

determine if there is sufficient area to accommodate this type of use on an individual basis. That is why we put it as a special exception so that the Board could, on a case by case basis, determine whether it would be an appropriate use at that tract.

Motion/Second by Miller/Flowers-Taylor to change the Amendment to UDO#A-20-04: Article 2. Definitions of Terms Used – Section 202:DD’ – add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural as special exception and Section 503:D – add Event Center, rural as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural as accessory provide for a minimum lot size of 25 acres. Motion carried 3-1 (Johnson).

Motion/Second by Dutton/Johnson to approve Amendment to UDO #A-20-04 with the changes as approved by the Board. Motion carried unanimously by all.

2. **Amendment to UDO #A-20-05: Article 5. AR-1 Agricultural and Residential - Section 504:Z & Article 6. AR-2 Rural Reserve - Section 604:Y - delete private driveways.**

Ms. Bell stated that the adoption of this Amendment would delete private driveways from AR-1 and AR-2 Zoning Districts, so there is no longer a development or land subdivision option to have lots subdivided off of a private driveway.

Mr. Wilson stated that you may recall he brought up Bethany Road and Bethany Drive and when that area was developed, the developer was allowed to cut a private driveway in that would service a number of lots. This will no longer allow that, as many of the people living on these types of roads, thought it was a County road to be maintained by the County.

Mr. Galloway stated that a developer could come in and request this type of development and would allow people to have larger tracts further off the road and everyone would cooperate regarding the upkeep of the private driveway. After the last Bethany Drive incident, they were notified they were on a private road. So, the County advised them of exactly what their status was and how they had been approved to the specific criteria and they would be responsible for the upkeep of the road. Having exercised that responsibility, we have chosen to delete that as a development option.

Motion/Second by Dutton/Miller to approve Amendment to UDO #A-20-05: Article 5. AR-1 Agricultural and Residential - Section 504:Z & Article 6. AR-2 Rural Reserve - Section 604:Y - delete private driveways. Motion carried unanimously by all.

3. Consider a resolution to extend moratorium for approval of Group Home, Transitional and/or Personal Care Home within Spalding County, Georgia previously approved by Board of Commissioners on March 26, 2020 for 90 days.

Mr. Galloway stated that this is a 60-day extension of a moratorium that the Board implemented in March of this year. The sole reason for this is we are having significant difficulty in trying to identify where the traditional local personal care home regulation has landed after the State deleted the definitions. We are still of the belief that our regulations regarding personal care homes should mirror those of the State. We are perplexed as to why we have been unable to find which agency has taken responsibility for the licensing of those facilities and contact during the COVID outbreak has simply made people more inaccessible.

Mr. Galloway then stated they hope to have an Ordinance prepared so that Ms. Bell and Ms. McDaniel can notice this for the Planning and Zoning by July and it can come to the Board at your August meeting with definitions. He then advised that if they find out the State has decided it's not licensing the personal care homes, then we will bring that back to the Board and leave it up to the Board to give us direction on how to deal with this.

Mr. Galloway stated there is a provision for Personal Care Homes that provide medical care; however, that facility has to be occupied by a minimum of 25 residents, but at the same time the facilities that our regulations were intending to address are the small houses where people are allowing folks to come in who are essentially in an assisted living facility where they provide daily assistance, but they are not providing medical care.

Mr. Galloway stated that what the county has done in the past is piggy backed off of the State definitions, so that our regulations were comparable and consistent with the State. Mr. Galloway stated that they have been trying to contact a number of state agencies regarding this. At this time, no one can identify where the regulation of the care homes that we are trying to define went.

Motion/Second by Dutton/Johnson to extend the moratorium for approval of Group Home, Transitional and/or Personal Care Home within Spalding County, Georgia previously approved by Board of Commissioners on March 26, 2020 for 60 days.

Motion/Second by Dutton/Johnson to amend the motion to extend the moratorium for approval of Group Home, Transitional and/or Personal Care Home within Spalding County, Georgia previously approved by Board of Commissioners on March 26, 2020 from 60 to 120 days. Motion carried unanimously by all.

F. Other Business

Mr. Wilson then advised that Chairman Flowers-Taylor had talked earlier this week about the July 6th meeting.

Chairperson Flowers-Taylor then stated that the July 6th meeting is the Monday after the 4th of July and traditionally this meeting has been cancelled. She then stated that she would not be in town on that Monday and asked the Board if they would like to cancel the July 6th Regular Meeting.

Motion/Second by Johnson/Miller to cancel the Regular Meeting on July

6th, 2020 with the next meeting being on July 20th, 2020. Motion carried unanimously by all.

G. Closed Meeting – None.

H. Adjournment

Motion/Second by Dutton/Miller to adjourn the meeting at 6:37 p.m. Motion carried unanimously by all.