

Chapter 22

LAND USE*

Article 12. Conditional Uses

Sec. 22-12. Conditional Uses

Uses listed as "conditional uses" in a zoning district may only be permitted by special review and approval by the Mayor and Council after a public hearing before Elberton Planning Commission based upon findings that the proposed use is consistent with the adopted 2004 Elberton Land Comprehensive Plan as adopted and as may be amended, and that the location, construction, and operation of the proposed use will not result in a significant adverse impact upon surrounding areas or the community in general as further described. The Elberton Planning Commission shall have thirty (30) days after the public hearing within which to make a recommendation to the Mayor and Council.

Sec. 22-12-1. Conditional Use Procedure

All petitions for conditional use approval shall be submitted to the Zoning Officer at least 30 days prior to a regularly scheduled Planning Commission Meeting on application forms supplied by the Building Inspector along with a fee as determined by Mayor and Council. Incomplete applications will not be placed on the agenda. Applications for all conditional uses except single-wide mobile or manufactured homes, must be accompanied by the following information.

- 1) Three (3) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or applicant.
- 2) Three (3) copies of preliminary building and site plans drawn to scale.
- 3) Three (3) copies of surveyed plat signed by a registered surveyor.
- 4) Project Name.
- 5) Project Owner.
- 6) Date, Scale, and North Arrow.
- 7) Vicinity Map.
- 8) Use of Adjacent Property.
- 9) Exterior Dimensions of the Site.

- 10) Total Project Acreage.
- 11) Location, Name and Width of All Existing or Proposed Streets.
- 12) Location of All Proposed Structures.
- 13) Location of All Off-street Parking and Driveway Serving the Project.
- 14) Proposed Buffers and/or Screening.
- 15) Location, Height, Fixture Type and Wattage of Site Lighting.
- 16) Dumpster Locations.
- 17) Rough Floor Plans, Including Gross Floor Area.
- 18) Building Height. The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the Mayor and Council.
- 19) The designated Zoning Compliance Officer shall prepare a recommendation regarding the petition for consideration by the Planning Commission at its regularly scheduled meeting.
- 20) The Planning Commission shall hold a public hearing on the proposed use in accordance with the notice and hearing provisions for zoning amendment. The Planning Commission shall then review the inspectors report and conduct a comprehensive review of the proposed use and forward a recommendation to the Mayor and Council within thirty (30) days of the hearing or the request shall be deemed to have been recommended for approval. Said recommendation may be to approve, approve with condition, or deny.
- 21) The Mayor and Council shall issue its findings within forty (40) days of the receipt of the Planning Commission recommendation. The Mayor and Council may approve, approve with conditions, or deny the request.
- 22) In determining the compatibility of a use with adjacent properties and the overall community, the Mayor and Council must make the following findings if the use is to be approved or approved with conditions:
 - a) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
 - b) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;

- c) Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
 - d) Public facilities and utilities are capable of adequately serving the proposed use;
 - e) Granting the request would not be an illogical extension of a use which would intrude a damaging volume of (1) agricultural, (2) commercial, (3) industrial, or (4) high density multi-family use into a stable neighborhood of well maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
 - f) Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities current or planned;
 - g) Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
 - h) Granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability; and
 - i) Granting this request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.
- 23) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 24) Approval of a proposed use by the Mayor and Council does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the City and not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for alterations by the governing authority. All uses, construction or building approved in the Conditional Use must begin within sixty (60) days of approval of the Mayor and Council and be fully completed within one (1) year of approval.