



## ORDINANCE O-02-25

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 22 OF THE CODE OF WALKER COUNTY, GEORGIA REGARDING LAND DEVELOPMENT; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ANY AND ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR OTHER PURPOSES**

**WHEREAS**, Walker County desires to amend its Land Development Code to provide clarity regarding the public hearing procedure for zoning and other planning related matters that require action; and

**WHEREAS**, these public hearing procedures exceed the State of Georgia's minimum due process requirements;

**THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Walker County that the Code of Walker County, Georgia is amended as follows:

### 1.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-97 is amended in its entirety as follows:

~~Sec. 22-97. Amendments.~~

~~The Governing Authority taking action resulting in adoption of an amendment to this article shall provide for a public hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the Governing Authority shall cause to be published within a newspaper of general circulation within the territorial boundaries of the County a notice of the hearing, stating the time, place, and purpose of the hearing.~~

**Sec. 22-97. - Amendments.**

Before enacting an amendment to this article, the Planning Commission and the Governing Authority shall each hold a public hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the public hearings, the Director of Planning shall cause to be published within a newspaper of general circulation within the territorial boundaries of the County a notice of each hearing. The notice shall state the time, place and purpose of the hearing. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. A sign containing the required public notice information shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing, nor more than 45 days before the hearing.

### 2.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-109 is amended in its entirety as follows:

~~Sec. 22-109. Amendments-Public hearing procedure.~~

(a) ~~Before enacting an amendment to this article, the Planning Commission shall hold a public hearing thereon. At least 15 but not more than 45 days prior to the date of the public hearing, the Planning Commission shall cause to be published within a newspaper of general circulation within the County a notice of the hearing. The notice shall state the time, place and purpose of the hearing. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. A sign containing the required public notice information shall be placed in a conspicuous location on~~



the property not less than 15 days prior to the date of the hearing, nor more than 45 days before the hearing.

(b) The Planning Commission shall hold a public hearing on each application for an amendment pursuant to this article in accordance with a schedule adopted by the Commission. As to each application, the Planning Commission shall make a recommendation for approval, denial, or deferral, or no recommendation. A written report and recorded transcript of the Planning Commission's recommendation shall be submitted to the Commissioner and shall be a public record. The Planning Commission's action may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested and recommend conditions of rezoning which may be deemed advisable so that the purpose of this article will, if applicable, be served, and health, public safety and general welfare secured. An applicant may withdraw the application at any time prior to the vote by the Planning Commission, but may not resubmit an application for the same amendment for a period of 6 months from the date of withdrawal.

(1) All persons who wish to address the Planning Commission at a hearing on the proposed amendment under consideration by the Planning Commission shall first sign up on a form to be provided by the County prior to the commencement of the hearing.

(2) Each speaker shall be allowed 3 minutes to address the Planning Commission concerning the amendment then under consideration, unless the Planning Commission, by 2/3 vote of the members present, prior to or at the time of the reading of the proposed amendment, vote to allow additional time in which to address the Commission on said proposed amendment. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. One member of the Planning Commission shall be designated as the timekeeper to record the time expended by each speaker.

(3) Each speaker shall speak only to the merits of the proposed amendment under consideration and shall address his remarks only to the members of the Planning Commission. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed amendment under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

(4) Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to ensure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.

(c) Before taking action on a proposed amendment and after receipt of the Planning Commission's recommendations, the County Board of Commissioners shall hold a public hearing on the proposed amendment made pursuant to this article. At the public hearing, the County Board of Commissioners shall review the analysis submitted by the initiating party, and the recommendation prepared by the Planning Commission. So that the purpose of this article will be served, and health, public safety and general welfare secured, the County Board of Commissioners may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, add or delete conditions of the application, or allow an application to be withdrawn; provided, however, that an application for the same amendment may not be resubmitted for a period of 6 months from the date of withdrawal. An action by the County Board of Commissioners to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, such as that required by this section, is required.

(1) All comments concerning a proposed zoning decision under consideration by the County Board of Commissioners shall be in writing prior to the commencement of the hearing. The only exception will be the applicant who has filed the zoning request.

(2) The County Board of Commissioners will read the proposed zoning decision under consideration and the departmental reviews pertaining thereto along with the recommendation of the Planning Commission, prior to receiving additional input on said proposed zoning decision. Proposed zoning decisions shall be called in the order in which they were filed.

(3) The County Board of Commissioners shall then call on the applicant to speak.

(4) The applicant shall be allowed 5 minutes to address the County Board of Commissioners concerning the zoning decision then under consideration, unless the County Board of Commissioners, prior to or at the time of the reading of the proposed



~~zoning decision, allows additional time in which to address the County Board of Commissioners on said proposed zoning decision. The applicant may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. A member of the County Board of Commissioners' staff shall be designated as the timekeeper to record the time expended by the applicant.~~

~~(5) The applicant shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks only to the County Board of Commissioners. The applicant shall refrain from personal attacks on any other person or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The County Board of Commissioners may limit or refuse the applicant the right to continue, if the applicant, after first being cautioned, continues to violate this subsection.~~

~~(6) Nothing contained herein shall be construed as prohibiting the County Board of Commissioners from conducting the hearing in an orderly and decorous manner to ensure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.~~

#### **Sec. 22-109. - Amendments-Public hearing procedure.**

- (a) The public hearing shall be called to order by the presiding officer, who shall explain the procedure to be followed in the public hearing. The presiding officer will read the zoning request under consideration and shall call each proposal in the order in which it was published on the meeting agenda.
- (b) The petitioner or petitioner's agent shall be recognized by the presiding officer first and shall be permitted to present and explain the zoning request. Thereafter, all individuals who so desire, shall be permitted to speak in favor of the zoning decision.
- (c) After all individuals have had an opportunity to speak in accordance with Section 22-109(b), those individuals present at the public hearing who wish to speak in opposition to the zoning request shall have an opportunity to speak.
- (d) A time limit of twelve (12) minutes shall be imposed upon the total number of people who wish to speak in favor of the zoning request, including the initial presentation of the petitioner. Thereafter, a time limit of twelve (12) minutes shall be imposed on the total number of people who wish to speak in opposition of the zoning request.
- (e) Each side may allocate its twelve (12) minute period among any number of speakers, provided that the presentation by all speakers for each side shall not exceed twelve (12) minutes per side.
- (f) Neither side will be required to use all of its twelve (12) minute period.
- (g) When any person wishes to speak at a public hearing, that person shall raise his/her hand and, after being recognized by the presiding officer, shall stand and state his/her name and address, and make any comment appropriate to the zoning request.
- (h) Each speaker shall speak only to the merits of the proposed amendment under consideration and shall address his remarks only to the members of the body conducting the hearing. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposal under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- (i) Thereafter, the presiding officer shall announce that no further comments from the public or petitioner concerning the zoning request shall be received and the public hearing shall be closed.
- (j) Nothing contained herein shall be construed as prohibiting the presiding officer from conducting the hearing in an orderly and decorous manner to ensure that the public hearing on a zoning request is conducted in a fair and orderly manner.
- (k) Following the public hearing, the body that conducted the hearing may approve or deny the application, reduce the land area for which the application was made, change the district or land use category requested, add or delete conditions of the application, or allow an application to be withdrawn verbally or in writing; provided, however, that an application for the same amendment may not be resubmitted for a period of six months from the date of withdrawal. An action to defer the application shall include a



statement of the date and time of the next meeting, at which the application will be considered. Said statement shall constitute public notice of the hearing on the application and no further notice, such as that required by this section, is required.

3.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-111(b)(2) is amended in its entirety as follows:

~~(2) All applicants requesting a zoning change shall notify each owner and, if applicable, each lessee of the abutting property and each lessee with an interest in the property for which the change in zoning is sought by mailing to each such person a copy of the application for zoning change by registered mail, return receipt requested.~~

(2) All applicants requesting a zoning change shall notify each owner and, if applicable, each lessee of the abutting property and each lessee with an interest in the property for which the change in zoning is sought by mailing to each such person a copy of the application for zoning change by mail.

4.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-113 is amended to include the following:

(c) The public hearing procedure for variance requests shall be conducted in the same manner set forth in Section 22-109.

5.

ARTICLE IV. ZONING, DIVISION 5. -SPECIAL USES AND PERMITS; Section 22-281 is amended to include the following:

(d) Any action taken by the Planning Commission regarding the issuance of a special use permit shall be recommended to the County Board of Commissioners for a final decision.

6.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-384(6) is amended in its entirety as follows:

~~(6) In the event the Planning Commission denies an application, then the applicant, within 15 days of such decision, may file an appeal, which request must be in writing, with the Planning Commission, which, after affording the applicant notice and a public hearing, shall either grant the application or deny it. Any appeal from a decision of the Planning Commission should be filed with the Board of Commissioners.~~

(6) In the event the Director of Planning denies an application, then the applicant, within 15 days of such decision, may file an appeal, which must be in writing, with the Planning Commission, which, after affording the applicant notice and a public hearing in accordance with Section 22-109, shall either grant the application or deny it. An appeal of a decision of the Planning Commission may be filed with the County Clerk for consideration before the Board of Commissioners, which shall make the final decision.

7.

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-386(c) is amended in its entirety as follows:



~~(c) If an application is denied, then the applicant, within 15 days of such decision, may file an appeal, which request must be in writing, with the Planning Commission, who, after affording the applicant notice and a public hearing, shall either grant the application or deny it, and such decision shall be final.~~

(c) If an application is denied, then the applicant, within 15 days of such decision, may file an appeal, which must be in writing, with the Planning Commission, who, after affording the applicant notice and a public hearing in accordance with Section 22-109, shall either grant the application or deny it. An appeal of a decision of the Planning Commission may be filed with the County Clerk for consideration before the Board of Commissioners, which shall make the final decision.

**8.**

ARTICLE IV. ZONING, DIVISION 1: GENERALLY; Section 22-387(4) is amended in its entirety as follows:

~~(4) If a permit application is denied, then the applicant, within 15 days of such decision, may file an appeal, which request must be in writing, with the Planning Commission, who, after affording the applicant notice and a public hearing, shall either grant the application or deny it, and such decision shall be final.~~

(4) If a permit application is denied, then the applicant, within 15 days of such decision, may file an appeal, which must be in writing, with the Planning Commission, who, after affording the applicant notice and a public hearing in accordance with Section 22-109, shall either grant the application or deny it. An appeal of a decision of the Planning Commission may be filed with the County Clerk for consideration before the Board of Commissioners, which shall make the final decision.

**9.**

This ordinance is effective immediately upon its adoption.

**10.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**11.**

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**12.**

In the event that a scrivener's error(s) shall be discovered in the amendment language after the adoption hereof, the Board hereby authorizes and directs that each such scrivener's error shall be corrected without additional Board action.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.





**ATTEST:**

**WALKER COUNTY, GEORGIA**

\_\_\_\_\_  
Lisa Richardson, County Clerk

\_\_\_\_\_  
ANGELA TEEMS, Chairwoman

(SEAL)

The foregoing Ordinance received a motion for approval from Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_, and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays to adopt the Resolution.

DRAFT