

SUMMARY GUIDE TO THE UNIFIED DEVELOPMENT CODE (UDC) OF FRANKLIN COUNTY, GEORGIA

If you are reading this, it is because you are searching for answers to questions about what you can do with property in unincorporated Franklin County, Georgia, or to understand what might happen to a neighboring piece of property. As such, you are reading out of necessity, not for pleasure. We serve you best if we give you the answer you need with the shortest amount of investment in your time possible.

This document provides a guide to the regulations included in this Unified Development Code (UDC). It is provided in a question and answer format rather than providing a sequential summary to its contents. Please also consult the detailed table of contents as well to help find answers to your questions.

ORGANIZATION

The UDC is organized into chapters, articles, and sections. Most sections also have several subsections. Similar material is organized into the same chapter and article. However, the complexity of land use regulations dictates that not everything can be said about a subject matter in one chapter or article. Therefore, many cross-references are provided when the reader needs to consult other related regulations to get the full picture.

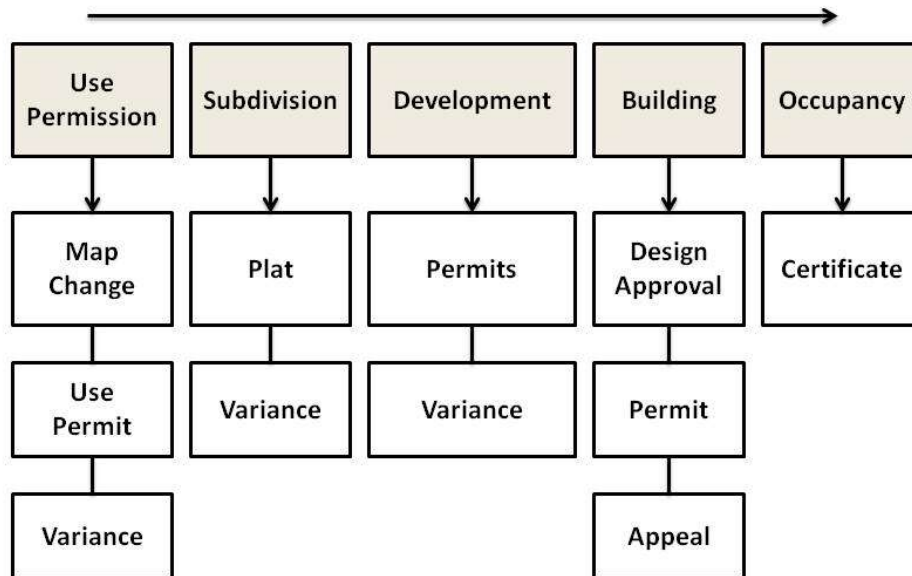
WHAT DO YOU WANT TO ACCOMPLISH?

Our customers range from experienced professionals involved in real estate and land development to individual property owners with limited or no knowledge of zoning, land development, and land subdivision requirements. Clear guidance from us benefits all of our customers, regardless of their experience level. To start, consider answering the question, “What do I want to accomplish?”

This may sound simple but is not always straightforward. The approval you need depends on what you want to do and your particular circumstances. The processes of all the various approvals required can be overwhelming, so start with answering what it is you want to accomplish or learn. For instance, I want to build a fence along the property in my back yard and want to know what regulations are required and whether I have to secure a permit. As another example, you may be unsure whether the property you own, or are considering purchasing, or occupy, is zoned for your proposed use. Yet another example is you want to learn the basic zoning restrictions applicable to the property (building height, setbacks, etc.).

Consider the information in this guide, which will help you determine which approvals, if any, you will need for your project. Figure 1 shows the generalized sequence of use and development approvals from idea to occupancy. This is generalized and not specific to Franklin County. It will be helpful if you can locate where you are in the development and activity approval process by looking at the figure below.

Sequence of Use and Development Approvals



USE PERMISSION (ZONING) (CHAPTER 2)

Your use or activity has to be established consistent with zoning regulations that govern which land uses and activities are permitted, as provided in this unified development code. The unincorporated portion of the county is divided into zoning districts as shown on the official zoning map. In most cases, your first step will be (with our assistance if needed) to determine your property's location so that we can determine what is the zoning category assigned to it, then determine whether the use, structure, or activity proposed can be done under the applicable zoning restrictions. For instance, you may want to establish a day care center – is that use allowed or not?

It is important to be able to describe expeditiously to staff where your property is located. We can sometimes use your postal address to identify your property. However, that is often no sufficient since undeveloped properties probably don't yet have assigned addresses. The best information will be the Tax Map and Parcel Number. You might be able to look up the property on Franklin County Q Public (i.e., the county tax assessor's web page) and find it by searching under the property owner's name.

Once you know your property location and your intentions, you can determine that the use, building, or activity you want to pursue is (1) "permitted;" (2) requires a "conditional use," or (3) is prohibited according to the zoning district applicable to your property. The use descriptions are very detailed but even so it might not be apparent exactly how your use is regulated. When in

doubt, contact the zoning administrator (who is the planning director of Franklin County). If you need to rezone the property or pursue a conditional use approval, move on to the sections below.

ZONING MAP CHANGES (CHAPTER 13)

If your proposed use, building, or activity is not permitted by the applicable zoning district requirements, you may try to find another location that permits that use, or decide to petition for a zoning map change to a category that allows the use or activity you want to establish on the property. Decisions regarding a zoning map change (also referred to as an amendment to the official zoning map) in the unincorporated part of the county are made by the Board of Commissioners of Franklin County, after public hearing, after hearing and recommendation by the Franklin County Planning Commission and a recommendation from the community development department staff (zoning administrator). One of the most important considerations in any zoning map change is whether your proposed zoning district is consistent with the policies contained in the county's adopted comprehensive plan, which includes a "character area" map suggesting future development conditions for properties in the unincorporated part of the county.

Zoning map changes are only granted after application and must be approved by the Board of Commissioners after public hearing. Conditions of approval may be placed on the application as recommended by planning commission or staff, or as may be determined necessary by the Board of Commissioners. An application must be filed, and a nonrefundable administrative fee paid. There is no guarantee. If denied, you do not receive a refund of the application fee, which is used to defray the administrative costs of processing the application.

TEXT AMENDMENT (CHAPTER 13)

If the zoning district applied to your property does not allow the use you propose, and a zoning map change is not advisable, a potential alternative to seeking a zoning map change is to petition for a zoning text amendment to change the language of the unified development code as it pertains to your zoning district which would allow your proposal. The zoning text amendment option is infrequently or rarely sought by a property owner, in part because it involves legal (county ordinance-making) procedures. However, staff, or the Board of Commissioners may initiate amendments to the unified development code at any time it desires. We caution against submission of zoning text amendments by property owners, unless staff has reviewed and consented to the language of the text amendment. Decisions regarding a zoning text amendment are made by the Board of Commissioners after public hearing and after recommendation by the planning commission and community development department staff.

CONDITIONAL USE APPROVAL (CHAPTER 13)

As noted above, the zoning district governing your property may specify that the use you propose is a conditional use. In such cases, a conditional use permit is required. Decisions regarding a an application for conditional use are made by Board of Commissioners after public hearing, after recommendation by the Franklin County Planning Commission and the community development department staff. Conditional use applications are only granted after application and must be approved by the Board of Commissioners after public hearing. Conditions of

approval may be placed on the application as recommended by planning commission or staff, or as may be determined necessary by the Board of Commissioners.

Like with a rezoning application, an application for conditional use must be filed, and a nonrefundable administrative fee paid. There is no guarantee. If denied, you do not receive a refund of the application fee, which is used to defray the administrative costs of processing the application.

VARIANCES (CHAPTER 14)

A variance is usually a reduction in a minimum or maximum dimensional requirement, such as a required side yard building setback reduction (see lot and building standards in Article 2 of the Unified Development Code). Occasionally, your proposed use or building may be permitted but given your property's circumstances it would not be allowed without a variance.

The need for relief from zoning regulations is anticipated by the code; property owners can petition to vary dimensional requirements such as building setbacks, building height, size of a sign, or number of parking spaces required. For example, you might be authorized to build a day care center on your property, but the size or shape of your property prevents you from meeting a building setback required for the zoning district in which your property is located. In such cases, a variance application may be applied for and approved through a public procedure. Like with a rezoning application, an application for variance must be filed, and a nonrefundable administrative fee paid. There is no guarantee. If denied, you do not receive a refund of the application fee, which is used to defray the administrative costs of processing the application.

Property owners and developers may discover the need (or desire) for a variance at most any stage of the process. For instance, it may be only after designing the final graded contours of the site that it is determined a building cannot be sited in a way to meet a required setback.

Variances are only granted after application and must be approved by the Board of Commissioners. Conditions of approval may be placed on the application as recommended by planning commission or staff or as may be determined necessary by the Board of Commissioners.

In very limited instances, the director of community development has authority delegated by the zoning administrator to grant an administrative variance (i.e., one that can be approved administratively as opposed to the customary variance procedure) to certain requirements). Such administrative variances are also done by application with a fee required to defray the administrative costs of processing the application.