

## **Importance of Environmental Justice Statement**

**At its core, environmental justice represents the pursuit of fairness, equity, and inclusivity in the distribution of environmental burdens and benefits among all individuals and communities, irrespective of their race, ethnicity, socio-economic status, or geographical location.**

## **ARTICLE 16: SPECIAL USE PERMITS**

### **Section 16.1. Authority**

Special Use Permits may be authorized, as prescribed herein and as expressly permitted as a Special Use within a particular Zoning District, by the Board of Commissioners after notice as provided herein and holding a Public Hearing and after receiving a recommendation from the Planning Commission. The Board of Commissioners reserves the authority to deny any request or to impose conditions on a use as deemed appropriate to protect the general health, safety and welfare.

### **Section 16.2. Minimum Parcel Size**

No tract or parcel of land shall be considered for a Special Use Permit that has an area, width or road frontage less than the minimum required-area, width or road frontage for the Zoning District of the property.

### **Section 16.3. Planning Commission Review**

No application for a Special Use Permit shall become effective unless it has been first submitted to the Planning Commission for review and recommendation at a Public Hearing.

### **Section 16.4. Who May Initiate a Special Use Permit Application**

Applications for a Special Use Permit may be initiated by petition of the property owner of record of said property, the owner's agent of said property with the owner's written consent, or by a contract purchaser of said property with the owner's written consent.

### **Section 16.5. Procedure for Consideration of a Special Use Permit**

- 16.5.1 An application for a Special Use Permit shall be filed with the Zoning Administrator, containing at a minimum the information required by this Ordinance under Section 16.8

of this Article, at least seventeen (17) working days in advance of the next regularly scheduled Public Hearing of the Planning Commission.

- 16.5.2 Upon the filing of said application, the Zoning Administrator shall schedule Public Hearings upon said application for review and recommendation by the Planning Commission, and for final action by the Board of Commissioners.
- 16.5.3 The Zoning Administrator shall cause to be published, at least fifteen (15), but not more than forty-five (45) days, prior to the date of the Public Hearings, within a newspaper of general circulation within the territorial boundaries of Augusta Richmond County, a Public Notice of the Public Hearings, a link on the Augusta Richmond County planning and zoning site listing the proposal and affiliated documents, and at least one social media push through Augusta, GA social media sites.
- 16.5.4 The Zoning Administrator shall place, or cause to be placed on the subject property, a Public Notice Sign in a conspicuous location on each road frontage not less than fifteen (15) days prior to the date of the Public Hearings.
- 16.5.5 The applicant and any interested party shall have a reasonable opportunity during normal business hours to examine the application and any other information that has been submitted concerning a proposed use(s). The Zoning Administrator may also choose to post these materials online.
- ~~16.5.56~~ 16.5.56 The Planning Commission shall hold a Public Hearing, as duly advertised, to consider the application. Any interested party may submit information, comments, or questions relating to the proposed use(s) or effects of the proposed use(s) on the community to the Planning Commission either before or during the Public Hearing. The Planning Commission shall consider all information, comments, and questions received relating to the proposed use(s) and shall recommend, at the Public Hearing, either approval, approval with modifications, or denial of the application to the Board of Commissioners. The Zoning Administrator shall submit the findings and recommendation of the Planning Commission to the Board of Commissioners within seven (7) days after the Public Hearing. If an application is tabled by the Planning Commission at their Public Hearing, and the Planning Commission fails to submit a recommendation to the Board of Commissioners within thirty (30) days of the first Public Hearing, it shall be deemed to have given a recommendation of “no comment” upon the application.
- ~~16.5.67~~ 16.5.67 The Board of Commissioners shall hold a Public Hearing, as duly advertised, to consider the application. The Board of Commissioners shall consider the recommendations and findings of the Planning Commission, including specific conditions of approval, and any additional evidence that the applicant or any interested party wishes to present at the Public Hearing. The Board of Commissioners may adopt

the Special Use Permit application as presented, adopt the Special Use Permit application with modifications, deny the Special Use Permit application in whole or in part, or table the Special Use Permit application.

16.5.78 The Board of Commissioners may place any reasonable conditions or stipulations upon the proposed Special Use Permit as deemed necessary (such as hours of operation, parking, maximum building size, outside displays, etc.) to further insure the orderly operation of the proposed use(s) and their compatibility with the surrounding properties and to protect the general health, safety and welfare.

16.5.89 If new relevant information was unavailable to the Planning Commission at the time of its deliberation, the Board of Commissioners may, at their discretion, return the application to the Planning Commission for reconsideration.

16.5.910 The decision rendered by the Board of Commissioners regarding the proposed Special Use Permit shall be deemed to be the final action on the application.

16.5.4011 No amendment, supplement, change or repeal of the final action by the Board of Commissioners shall become effective unless said amendment, supplement, change or repeal is approved after a Public Hearing.

#### **Section 16.6. Content of Required Published Public Notice**

16.6.1 The Published Public Notice shall contain the time, date, place and purpose of the Public Hearing.

16.6.2 The Published Public Notice shall also contain the location, the present Zoning District designation, ~~and the Special Use proposed for the subject property,~~ and where the public may view the permit application and related materials.

#### **Section 16.7. Content of Required Public Notice Sign**

The Public Notice Sign required to be placed on the subject property by this Ordinance shall contain the same information stated in Section 16.6. of this Article. Said sign shall be at least six (6) square feet in area.

#### **Section 16.8. Documents Required for Submitting an Application for a Special Use Permit**

All applications for a Special Use Permit shall be filed with the Zoning Administrator and shall be accompanied by, at a minimum, the following items:

16.8.1 An application form as available from the Zoning Administrator, complete in all respects.

- 16.8.2 An application fee as required by the Board of Commissioners to cover administrative and advertising costs.
- 16.8.3 A legal description of the subject property.
- 16.8.4 A site plan drawn to scale, showing the location of the proposed use(s) or structure(s) and their relationship to existing adjacent uses or structures, the area and dimensions of the site, proposed screening and landscaping, height of " building(s), setbacks, access, location and number of parking and loading spaces, location of all existing or proposed utilities, whether public or private, and any pertinent information that the Planning Commission and/or the Board of Commissioners may require.
- 16.8.5 A narrative statement from the applicant describing the proposed use of the property and addressing each of the standards set forth in this Ordinance under Section 16.9 of this Article.
- 16.8.6 Verification that all current ad valorem taxes for real and personal property where the special use permit is sought or where such personal property is currently located are paid in full.
- 16.8.7 As to any Special Use Permit Applications for Airports, Radio, Telephone, Television & Microwave Broadcasting Towers, Solar Farms, and/or Mining Operations, a Community Impact Assessment containing the information set forth in this Ordinance under Section 16.10 of this Article, provided, however, that this item is not required if no residences exist within a two-mile radius of the proposed use(s) when the application is submitted.
- 16.8.8 If the permit applicant fails to submit all of the items set forth in this Section, complete in all respects, the application shall be deemed incomplete.

### **Section 16.9. Review Standards**

The Board of Commissioners and the Planning Commission find that the following Review Standards are relevant in balancing the interest in promoting the public health, safety, morals, convenience, order or general welfare against the right to unrestricted use of property and shall govern the exercise of the power to adopt or deny a Special Use Permit:

- 16.9.1 Whether a proposed Special Use Permit will permit a use that is suitable in view of the use and development of adjacent property.
- 16.9.2 Whether a proposed Special Use Permit change will adversely affect the existing use or usability of adjacent or nearby property.

- 16.9.3 Whether the property to be affected by a proposed Special Use Permit has a reasonable economic use as currently designated.
- 16.9.4 Whether the proposed Special Use Permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- 16.9.5 Whether the proposed Special Use Permit is in conformity with the policy and intent of the Land Use Plan.
- 16.9.6 Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed Special Use Permit.
- 16.9.7 Whether the proposed Special Use Permit will result in a use that will or could negatively impact the health or environment of the surrounding community, based upon the information contained in the Community Impact Assessment, if required.

#### **Section 16.10. Community Impact Assessment**

Each Community Impact Assessment shall include the following information:

- 16.10.1 Permits. List all permits and approvals needed for the proposed use(s) from the United States Environmental Protection Agency, the United States Army Corps of Engineers, and/or the Georgia Environmental Protection Division and provide copies of any such permits already obtained.
- 16.10.2 Pre-existing Environmental Conditions Description. To the extent such information is publicly available, identify pre-existing environmental conditions within a two-mile radius of the proposed use(s) site, including the name and location of properties in that area with air pollution emission permits or wastewater discharge permits from the federal or state government, the name and location of known contaminated sites (e.g., listed as a federal Superfund site or on the State's Hazardous Site Inventory), the name and location of properties storing or using toxic chemicals, and any other known sources of pollution. Information on these sites may be obtained from federal or state databases such as those created or maintained by the United States Environmental Protection Agency or the Georgia Environmental Protection Division.
- 16.10.3 Environmental Impact Description. The applicant shall provide the following information on the environmental impacts of the proposed use(s), regardless of whether a permit is required, to the extent such information is available or can be readily obtained:

- a) Air Pollution: List tons per year of all Criteria Pollutants and Hazardous Air Pollutants. Include maximum permitted tons per year and anticipated actual tons per year.
- b) Water Pollution: Identify all pollutants that may be discharged into a water of the State from the construction and operation of the proposed use(s) on the property.
- c) Waterbodies: Identify all lakes, perennial streams, and flood zones located within a two-mile radius of the proposed use(s) and provide a map or maps showing the location of these waterbodies and flood zones. Identify waterways deemed impaired by the State of Georgia or the State of South Carolina.
- d) Stormwater Retention & Discharge: Provide a brief narrative summary of on-site stormwater capture, including total volume to be controlled, and sewer and stormwater discharge, including total volume to be discharged and onsite treatment technology.
- e) Water Use: Provide an estimate of the volume of water to be used annually for operations.
- f) Drinking Water Intakes: Identify any drinking water intakes, drinking water treatment facilities or ground water recharge zones located within a 2 mile radius of the site
- g) Energy Use: Provide an estimate of kilowatt hours of energy to be used annually for operations.
- h) Hazardous or Toxic Materials: List any substance used or stored on-site that must be registered with either the state or a local emergency responder office pursuant to state or federal law such as the Toxics Release Inventory, and provide the name and estimated quantity of any such substance.
- i) Truck Trips: Provide an estimate of the number of truck trips per day anticipated during normal operations. Indicate if trucks will be owned or contracted.
- j) Fuel Use: List the type of fuel to be used for heating, cooling, and operations (e.g. heating oil, natural gas, solar, etc.).
- k) Nuisance Issues: Provide a brief description of both projected impact of and plans to avoid, minimize, and control dust, noise, light, odors, and vibrations.

16.10.4 Vulnerable Populations. Identify the location of vulnerable populations within a two-mile radius of the proposed use(s), including schools, daycares, affordable housing developments, and senior centers.

- 16.10.5 Historic and Sites of Cultural Significance: Identify the location of any registered historical sites or sites of cultural significance located within a 2 mile radius of the site
- 16.10.6 Socioeconomic and Demographic Data. Provide publicly available data on socioeconomic conditions of residents living within two mile of the proposed use(s), including race, income, poverty, unemployment, and age, including information on the number and location of residents over 64 and under five years old. This information may be obtained from sources such as the U.S. Environmental Protection Agency's EJSCREEN Tool.
- 16.10.7 Public Health Data. Provide publicly available health data of residents living within two mile of the proposed use(s), including rates of cancer, respiratory disease, low infant birth weight, and cardiovascular disease. This information may be obtained from sources such as the U.S. Environmental Protection Agency's EJSCREEN Tool.
- 16.10.8 Quality of Life and Public Health Protection Measures. Describe plans to avoid, minimize, and mitigate any pollution emissions or environmental impacts both during construction and during operation, if any. Such efforts may include but are not limited to pollution reduction technologies, green infrastructure, energy efficiency or renewable energy elements, waste minimization, water conservation measures, and tree canopy expansion or vegetative buffers.
- 16.10.9 Public Engagement. Describe efforts undertaken by the applicant prior to applying for a Special Use Permit to inform or engage the residents and businesses in the vicinity of the proposed project, if any.
- 16.10.10 Alternatives. List reasonable alternatives to the proposed use(s), including alternative project sites.
- 16.10.11 Risks to FAA or Military Operations. Describe efforts undertaken by the applicant prior to applying for a Special Use Permit to identify and mitigate any issues that your operation might have on FAA or military operations within a 10 mile radius of the proposed project

#### **Section 16.11. Reapplication Time Requirement**

If an application for a Special Use Permit is denied by the Board of Commissioners, no application or reapplication for a Special Use Permit may be considered on the same property by the Board of Commissioners until the expiration of at least six (6) months immediately following the denial action of the application by the Board of Commissioners has occurred.

#### **Section 16.12. Appellate Procedure**

Any person or persons, who may have a substantial interest in any decision of the Board of Commissioners, may appeal said final decision to the Superior Court of August Richmond County, Georgia. Such appeal shall be filed with the Clerk of said court by filing a notice of appeal in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such notice of appeal shall be filed within thirty (30) days after the decision of the Board of Commissioners is rendered. A copy of the notice of appeal shall be served on the County Clerk. Upon the filing of a notice of appeal, the Clerk of the August Richmond County Superior Court shall give immediate notice thereof to the County Clerk and within thirty (30) days from the time of such notice, shall file with said Clerk of Superior Court, a duly certified copy of the minutes of the proceedings of the Board of Commissioners Public Hearing and the decision reached by the Board of Commissioners.

#### **Section 16.13. Expiration of Special Use Permit**

Once established, a Special Use Permit shall be in continuous operation. A Special Use Permit shall expire under the following circumstances:

- 16.13.1 If operations or construction has not commenced within twelve (12) months of the date of approval by the Board of Commissioners.
- 16.13.2 If operations have ceased for a period of twelve (12) months.

#### **Section 16.14. Authority to Place Testimony Under Oath**

The Planning Commission has the authority to place any or all testimony under oath and any perjury is subject to the penalties of the Superior Court of August Richmond County.

#### **Section 16.15. Compliance with Plans**

All property approved for a Special Use Permit shall be developed in general accordance with any development plans submitted to the Planning Commission.