Policies and Procedures for Land Use Applications City of Winder City Council

Consideration of land use applications by the City of Winder shall be governed by the following policies and procedures. The term "Land Use Applications" shall mean applications for subdivision, annexation, zoning/rezoning, conditional use variances, variances and/or any other application that by ordinance requires an advisory review or adjudication by the City Council.

These policies and procedures shall become effective as of the date of adoption by City Council and continue until such time as rescinded or amended by vote of the Winder City Council.

I. Purpose

These rules are intended to establish policies and procedures ensuring that the City of Winder performs its responsibilities in an efficient, effective, and fair manner ensuring that all similar applications and applicants are treated similarly.

II. Governing Statutes and Ordinances

Land Use Applications submitted to the City of Winder shall be governed (in priority order) by the laws and regulations of The United States, the State of Georgia, and the ordinances and policies of the City of Winder. These policies and procedures are intended to supplement these requirements.

III. Processing and Analysis by City of Winder Staff

A. All Land Use Applications shall be received by the Department of Planning and Development Services (also known as the "Department"), reviewed for completeness and stamped in with date of receipt (either electronically through software system or by hand). The Department of Planning and Development Services will enter all Applications into the appropriate database.

B. All applications shall be submitted to the Department of Planning and Development Services within filing deadlines set by the Zoning Administrator or his/her designee. All applications shall be accompanied by a non-refundable fee as fixed through City Council Resolution. A fee shall not be charged if the City initiates an application.

i. Complete Application

In order to be considered complete, an application, petition or amendment must answer all application questions and submit all required documents and payment of

fees. The Department will review and notify the applicant within 5 working business days of submission that either

a. The application is not complete and is not accepted for processing and shall enumerate the materials that are missing; or

b. One or more required minor elements are missing or inadequate and need to be submitted within an identified deadline in order for the application be deemed complete for review; or

c. The application is complete and will be reviewed and scheduled for a public hearing and City Council meeting.

ii. Incomplete Application

Once an application has been submitted and is deemed incomplete, the Department will contact the applicant regarding outstanding items and continue to review for completeness for 30 days following submission. After 30 days of an incomplete application, the Applicant will need to re-submit the application. A fee for completeness review and a new submittal fee may be required.

iii. Corrective Action

All deficient plans and documents must be submitted to the Department of Planning and Development Services Staff at least fifteen (15) days prior to the City Council Work Session meeting, whichever meeting comes first.

iv. Exceptions

City Council may nonetheless, in accordance with state and local law and its own discretion, consider an application, petition, or amendment that fails to meet sections (i.) through (iii.), if Council finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

v. Notice by Municipal Governing Authority to County Governing Authority of Proposed Annexation

The five (5) business day written notice required by a governing authority (City of Winder) to give to the county wherein the area proposed for annexation is located pursuant to the Official Code of Georgia (O.C.G.A.), Section 36-36-6 will not begin until an Application has been considered and stamped complete by the

Department. Once an Application has been considered and stamped complete the clock will begin on notifying the county wherein the area proposed for annexation is located.

IV. Withdrawal of Applications

A Land Use Application may be withdrawn by the Applicant, without prejudice, at any time prior to a vote of adjudication being taken on the Application.

A. There shall be no refund by the City of an application fee if an application is withdrawn.

B. The Zoning Administrator or his/her designee shall be able to review an application and deem it unnecessary to move forward/process at any point during the land use application process (i.e.: ordinance was amended during process and variance request is no longer applicable).

V. Deferral of Applications

A. A written request to postpone an application from the representative of the application may be granted by the Department of Planning and Development Services Staff up to two times for any zoning, variance, or conditional use application and up to three times for any annexation or PUD application. The deferral requests may be granted by the Zoning Administrator or his/her designee.

B. After the applicant has exhausted its allowed number of requested and approved postponements at the staff level, request for further postpones shall require City Council approval.

i. Department of Planning and Development Services staff reserves the right to send the application to City Council with a recommendation to deny.

C. The Zoning Administrator, may determine to postpone placement of a Land Use Application or a public hearing and/or City Council meeting agenda if is determined that the application merits further staff review, the submittal of additional application or supplemental materials, or for any other reason the application cannot be fully reviewed and analyzed in a complete and timely manner for release of City Council agenda packets.

i. The Zoning Administrator may postpone a maximum of two times for any zoning, variance, or conditional use application and up to three times for any annexation or PUD application.

ii. Reasons for the postponement, any additionally required materials and/or application deficiencies must be identified by the Zoning Administrator and provided in writing to the applicant along with a new public hearing and/or City Council meeting date.

D. Rather than postpone a scheduled public hearing or City Council meeting date, the Zoning Administrator, in his/her sole discretion, may elect to forward a Land Use Application to the City Council as scheduled with a recommendation to postpone or deny and shall state the reasons for such a recommendation.

E. After the Department has exhausted its allowed number of requested and approved postponements at the staff level, request for further postpone shall require City Council approval.

VI. Amendments to Applications

A. Applications which are substantially amended after a review by the City Council must be returned to a City Council Work Session for a Public Hearing on the amended Application prior to being considered and voted on by City Council. Substantive amendments include, but are not limited to, a significant change in site design, parcel number, or zoning district requested.

B. Applications which are amended after review by the Development Team and /or other City staff members, which in the sole discretion of the Zoning Administrator or his/her designee require a re-review by the Development Team or other City staff will be removed from the scheduled public hearing/ City Council meeting agenda and placed on the next available agenda following a standard review time for the type of application submitted.

C. Any revisions submitted by the Applicant to the Department of Planning and Development Services Staff within the permitted time-frame must include a cover page memorandum detailing all revisions.

VII. Review Committee

A. The Review Committee, also known as the Development Team, shall consist of representatives as required by the City's Subdivision and Comprehensive Zoning Ordinances and from each City department having duties in permitting, inspecting, licensing, maintaining, or providing essential City services in relation to the Land Use Application. At a minimum the Review Committee shall have representatives from the

following departments: Planning, Public Works, Engineering, Water, Wastewater, Gas, Stormwater, Zoning, Fire, Police, and Code Enforcement.

B. The Review Committee shall perform its duties as provided within the City's Comprehensive Zoning and Subdivision Ordinances and review the Land Use Application and provide comments to the Zoning Administrator or his/her designee advising upon and analyzing the Application as directed by the Ordinances and the Zoning Administrator or his/her designee.

C. All Land Use Applications will be given the opportunity to consult with the City Review Committee (as a group) to review and analyze the Land Use Application, discuss the Application, and answer any questions of the Applicant related to City ordinances, Land Use policies and plans, infrastructure, requirements, processes, fees, services, etc. prior to public hearing with the City Council.

D. Certain Applications may be required by Ordinance to participate in City Review Committee meetings.

E. City Review Committee shall advise and recommend on the Application, including possible conditions of Application approval, considering the following factors:

- **i.** Compliance with applicable State laws and regulations, City Ordinances and local policies, regulations, and design standards and specifications.
- **ii.** Impact to services provided by the City.
- **iii.** Impact to operations and maintenance provided by the City.
- **iv.** Impact on the City's utility service areas and infrastructure.
- **v.** Impact on the cost of services, operations, maintenance, and capital needs of the City.

F. Individual members of the City Review Committee may meet or correspond with the Applicant or its representatives throughout the review process. Information gleamed from these interactions should be documented in the case file and reflected within the Planning Study distributed to the City Council.

G. The City Review Committee may invite other effected entities to participate in these procedures. Effected entities may include Barrow County, the Barrow Board of Education, the Georgia Department of Transportation, Health Department, and/or others.

H. City Review Committee may advise, and the Zoning Administrator may require, the Application to be supplemented by professional studies prior to the Application being forwarded to the City Council for review and adjudication. Supplemental Application materials may include but are not limited to the following: fiscal impact studies, infrastructure capacity analysis, and traffic studies.

VIII. City Representative

The Zoning Administrator, or his/her designee shall serve as the City of Winder's staff representative for Land Use Applications and City Council. The Zoning Administrator or his/her designee has the following powers and duties:

A. To appropriately advertise the meetings of the Winder City Council in accordance with the Georgia Open Meetings Act;

B. To establish an agenda for City Council's consideration, including all items required for consideration by the City Council by ordinance; matters for which City Council review has been requested by the Mayor and City Council; reviews, adoptions, and matters associated with long range plans affecting the City; and any other matters necessitating the attention of City Council; and

C. To otherwise act as the City staff representative for the Mayor and City Council of Winder.

IX. Supplemental Information

The Zoning administrator may require applications for annexations, Planned Unit Developments, or rezones for more than ten (10) acres to be supplemented (at the Applicant's expense) by an analysis of impact on City infrastructure, services, schools, and operation and/or a traffic study prior to the application being forwarded to the City Council for review and adjudication.

X. Notifications of Applications and Adjudication of Applications

A. Applicants will be promptly notified of all meeting dates with the City Review Committee or City Council.

B. The Zoning Administrator shall ensure that a Planning Study is prepared for each Land Use Application and provided to the City Council for consideration in their review processes.

C. The Planning Study presented at the City Council Work Session for each Land Use Application shall also be presented at the City Council Regular Meeting with the following allowed amendments:

a. Staff may include any newly acquired information for the benefit of the City Council.

XI. Timelines

A. The Zoning Administrator or designee shall develop a schedule/calendar for Land Use Applications for each calendar year that shall govern submittal deadlines, review times, and City Council dates.

B. There shall be at least one (1) City Council Work Session on each applicable Land Use Application prior to a vote for adjudication on the Application.

C. For all Land Use Applications, there shall be at least thirty {30} days but no more than 120 days between the submittal deadline and presentation to City Council.

XII. Public Notifications

A. At least fifteen (15) days but not more than forty-five (45} days prior to the scheduled public hearing at the City Council Work Session, the Application must be advertised for consideration in compliance with State law and local Ordinance.

B. At least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time, place, and purpose for the public hearing shall be posted.

C. Applications that were previously advertised but were tabled, postponed, or otherwise delayed in its adjudication shall be re-advertised at least fifteen (15} days prior to the meeting of the City Council.

i. A readvertisement fee may be assessed to the applicant.

D. In addition to the Public Notices of Land Use Applications required by State law and local Ordinance, the Department of Planning and Development Services shall notify all adjacent property owners of Land Use Applications and dates of consideration by the City Council via United States Postal Service no later than one week prior to such meeting.

i. The notice shall state the time, place, and purpose of the public hearings by City Council. The written notice shall be mailed to the last known address of the

property owners as such addresses appear in the Barrow County Board of Assessors records.

ii. Adjacent properties shall be considered those properties sharing a property line or immediately across a road or street from the subject property.

XIII. Communications Outside of Meetings

A. To preserve public confidence in the fairness of deliberations and decisions, Members of the City Council should ensure that the public and interested parties have the opportunity to know, and respond to, all information City Council Members consider in making its decisions. City Council Members should also ensure that each City Council Member has the opportunity to know and consider the information available to other City Council Members.

B. When considering issues involving an administrative determination (or quasi-judicial) determination (such as a request for a hardship variance from the Zoning Ordinance), the City Council Member deals with parties who are directly affected by City Council Members decisions. Each of these interested parties needs the assurance that other interested parties will not have unfair advantage in presenting their version of the relevant facts or concerns. In such cases, therefore, City Council Members shall avoid communicating with applicants or other interested parties about the proposal except during the public meetings at which the proposal is being considered. If a City Council Member receives unsolicited communications about such a proposal outside of a public meeting, the City Council Member has the duty to reveal the communications during the consideration of the proposal. This ensures that the communicated information will become part of the record and other City Council Members and interested parties will have an opportunity to consider and refute the information.

C. When City Council Members consider rezoning petitions, it is considering a legislative determination, but one that generally pertains to a specific parcel(s) of land, and thus directly affects the interests of specific parties. Therefore, City Council Members are not required to avoid outside communications about a rezoning proposal. However, to further foster the appearance of fairness in their deliberations, City Council Members are strongly encouraged to avoid outside communications. Should a City Council Member engage in such outside communications, that member shall share the nature and content of those communications with its fellow Members on the record at the Meeting for the public hearing on the matter.

D. When City Council Members consider issues pertaining to the City as a whole, or principally to the general public interest, (such as the Comprehensive Plan, ordinance amendments, etc.), it often finds access to a broad range of public input helpful in making a decision on the issue. In such cases, therefore, City Council Members may communicate with interested persons outside of the meetings at which the issue is being considered, but each City Council Member has the duty to reveal the general nature and scope of relevant information and opinions gleaned from such communications during City Council's consideration of the issue. To ensure that each City Council Member's decision is based on the full range of information and public opinion available to City Council, Members should avoid committing themselves to a position on the issue during any outside communications.

XIV. Public Hearings

In accordance with the City of Winder Comprehensive Zoning Ordinance, the City Council shall conduct the legally required public hearings pursuant to the Zoning Procedures Law in the Official Code of Georgia. However, consideration of an issue by the City Council may be referred to as a "hearing", understanding that such is not the legally required "Public Hearing" mandated by Georgia law.

A. Public Hearing and Meeting Procedures

i. Public Hearing. For Land Use Applications requiring a public hearing, the City Council shall conduct one (1) public hearing during its regularly scheduled Work Session meeting, unless additional public hearings are required by applicable law. The public hearing shall provide the Applicant and interested members of the public an opportunity to present information and comments in accordance with the procedures established herein.

ii. Regular Meeting and Final Action. Following the public hearing at the Work Session, the Land Use Application shall be scheduled for consideration and final action at a subsequent regularly scheduled City Council Regular Meeting. A second public hearing shall not be required at the Regular Meeting unless otherwise required by applicable law or authorized by City Council.

iii. Additional Public Hearings. Nothing herein shall prohibit City Council from conducting additional public hearings when required by law or when deemed necessary by City

Council. Any additional public hearings shall comply with applicable public notice requirements.

B. Consideration of Substantive Agenda Items/Matters of Business:

i. Mayor's Introduction

The Mayor shall begin the consideration of each agenda item by announcing the title of the item, identifying the nature of the decision involved, and briefly explaining the steps in consideration of the item. In doing so, the Mayor shall note the opportunity for public comments and briefly note the circumstances under which public comment will be received.

ii. Staff Report and Recommendation

a. The Mayor shall then ask City staff to describe the nature of the matter being considered and to present the staff's findings and recommendations for action.

b. At the conclusion of the staff report, Members may ask staff members for more information about the item and request clarification or explanation of the reasons for the staff's findings and recommendation.

iii. Presentation or Comments from the Applicant

a. The Mayor shall provide the Applicant or his/her representative an opportunity to make a presentation regarding his/her application and respond to staff findings and recommendations. The Applicant is not required to make a presentation. The Applicant or his/her representative must state his/her name, address, and interest in the proceeding for the record. Following the Applicant's presentation (or the Mayors solicitation of Applicant comments, where the Applicant declines to make a presentation), City Council Members may ask the Applicant for more information about the proposal or request the Applicant's response to staff recommendations.

b. The Applicant or his/her representative shall have 10 minutes for the presentation. The Applicant may have an additional 5 minutes or reserve 5 minutes for rebuttal after comments from other interested persons.

iv. Comments from Other Interested Persons

a. The Mayor shall then solicit comments on the agenda item from persons attending the meeting, asking them to first state their name and address.

b. If the number of persons attending the meeting indicates that a large number of persons may wish to comment on an item, the Mayor may first ask those wishing to comment to raise their hands. If a large number of persons wish to comment, the Mayor may limit the time allotted to each speaker, encourage those with common interest to select a spokesperson to represent them, or take whatever other action may be necessary to ensure a full opportunity for public comments to be heard in an efficient manner.

c. The Mayor shall determine the order in which persons may speak.

Prior to each interested person's presentation, each presenter must state his/her name and address for the record. City Council Members may ask the person about the nature of his or her interest and to clarify his or her comments.

d. The Mayor of any public meeting at which a Land Use Application is considered must give equal time to both proponents and opponents of the application. Each side must be allowed a minimum of ten {10} minutes in compliance with O.C.G.A. Section 36-66-S{a).

v. Questions from Non-Council Members

a. Persons other than City Council Members, who have questions related to previous presentations and comments, shall direct them to the Mayor, who may then redirect them to the appropriate persons. The Mayor may choose not to redirect questions that are immaterial, simply rhetorical, misleading, unreasonably biased, that have already been answered, or that constitute a personal attack.

vi. City Council Discussion

a. If the item involves a request for specific action, the Mayor shall invite City Council Members to formally discuss the item and recommended action, without the need for a prior motion. Otherwise, the Mayor shall state that a

motion is in order, and City Council Members may discuss the item only in response to a motion for specific action.

b. The Mayor shall determine the order in which City Council Members are recognized to comment on the pending item or motion, and shall ordinarily give each City Council Member present an opportunity to comment before allowing one City Council Member to comment a second time.

c. Only City Council Members may participate in the discussion of an item. It however, the discussion raises requests for more information or questions about the previously heard presentations and comments, the Mayor may relay those questions to the appropriate persons and invite their response in the context of the discussion.

d. This process shall not prohibit City Council from calling Work Sessions on Land Use Applications prior to a vote for adjudication. Public comment nor presentation by the Applicant are required in a Work Session.

vii. Action

a. At the conclusion of the Discussion, the Mayor shall seek a motion from City Council Members regarding the matter, or re-state a motion given by one of the City Council Members, thereby putting the motion to a vote.

b. Action on any Land Use Application should not only be rational, but should also be perceived as rational. Therefore, any final action by City Council on substantive matters shall be based on expressed conclusions that reflect a logical connection between the information available and the ordinances, standards, policies, and considerations applicable to the particular type of decision being made. These conclusions may be expressed in the motion for action, either directly or indirectly (by reference to adoption of a resolution, or concurrence with a staff report, that includes appropriate conclusions). Or they may have been expressed during the discussion that immediately preceded the final action. If, when restating a motion before taking a vote, the Mayor is uncertain whether the reasons for the moved action are explicit to all persons attending the meeting, the Mayor shall ask the City Council Member making the motion to clarify the reasons for the moved action.

c. Conditions approved in an action on the Land Use- Application must be placed in writing or clearly stated in the motion and become part of the ordinance and can only be amended by further action of City Council.

XV. Post Adjudication Documentation

All adjudications of Land Use Applications shall be documented in City files and GIS databases and be memorialized in written letter of judgment to be delivered to the Applicant no later than five (5) business days after adjudication.

XVI. Historic Review

The historical and architectural heritage of the City of Winder is among its most valued and important assets. The purpose of historic review is to safeguard the heritage of the City of Winder by preserving the City's historic and architecturally worthy properties, areas, buildings, structures, monuments, streetscapes, squares, and neighborhoods.

A. Historic Review is required for all property in the defined Historic District (refer to City of Winder's Code of Ordinances, Sec. 19-61), or any property designated as a Historic Landmark that is located outside of the Historic District.

B. Historic Review is completed by the Historic Preservation Commission through the issuance or denial of a Certificate of Appropriateness (refer to City of Winder's Code of Ordinances, Sec. 19-50).

C. An Applicant whose property is within the Historic District or is designated as a Historic Landmark must apply for a Certificate of Appropriateness.

D. An Applicant cannot begin the Historic Review process until his/her Land Use application has been voted on and approved by City Council or his/her permit application has completed the review process.

E. Once approval has been given on a land use application by City Council or a permit has completed the review process, the Applicant's Certificate of Appropriateness application will be scheduled for a Historic Preservation Commission meeting for review.

Approved by the Winder City Council at the November 4, 2026, regular meeting.

JIMMY TERRELL, Mayor

ATTEST:

[SEAL]

ANNA CHILDS, City Clerk