



# Franklin County

## Planning and Building Department

Jerrod B. MacPherson—Director

### PLANNING DIVISION

#### AMENDMENT AND REZONE APPLICATION REQUIREMENTS (MAP AND TEXT)

- Land Development Application.
- \$800.00 Amendment and Rezoning Fee – **Checks made payable to the Franklin County Planning and Building Department.**
- \$80.00 Certificate of Ownership and Variance Report Fee: **Check made payable to the Franklin County Assessor’s Office.** *An applicant **does not** need to contact the Assessor’s Office to obtain this report.* At the time of application, the Planning Division will request the report from the Assessor’s Office. The report includes the Title Information (title certificate) and the Adjoining Property Owners Names and Addresses (500 feet within an Urban Growth Area or one (1) mile outside an Urban Growth Boundary). As an alternative to the Assessor’s Office, an applicant may also obtain this report from a licensed title company.
- Answer the questions identified in Chapter 42.3.0 of County Development Regulations.

\* All application materials shall be submitted to the Planning Division.

\* All amendment and rezoning applications require that proper notice be given (surrounding property owners and newspaper) and one (1) open record public hearing be held before the Franklin County Planning Commissioners with final review by the Board of Commissioners.

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### PLANNING DIVISION LAND DEVELOPMENT APPLICATION

Application Number: \_\_\_\_\_

**Applicant/Representative:**

Existing Land Use Zoning District(s):  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Cellular(\_\_\_\_) \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_

Site Address: \_\_\_\_\_

**Owner(s):** (attach additional sheet if necessary)

Total Acreage Involved: \_\_\_\_\_

Name: \_\_\_\_\_

Source of Water: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Source of Irrigation: \_\_\_\_\_

Sewage Disposal System: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Source of Power: \_\_\_\_\_

Cellular: (\_\_\_\_) \_\_\_\_\_

Comprehensive Plan: \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_

Description of Improvements on Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Use of Site/Property: \_\_\_\_\_

**Proposed Development Application Request** (Specify; Short Plat, Cond Use, Zone Change, Home Occupation, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We, the undersigned, hereby authorize the filing of this application and certify that the information contained in this application is complete and correct to the best of our knowledge. This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

( ) Owner \_\_\_\_\_ Date \_\_\_\_\_

( ) Applicant/Representative \_\_\_\_\_ Date \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_



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### AMENDMENTS AND REZONING APPLICATIONS

#### APPLICATION REQUIREMENTS

In accordance with Chapter 42 of the Franklin County Zoning Ordinance the following petition information shall be submitted to the Franklin County Planning and Building Department. A petition for a change of classification (text or map) must show the following in addition to the required application(s) provided by the Planning Division:

- (1) The date the existing zone or comprehensive plan designation became effective;
- (2) The changed conditions which are alleged to warrant other or additional zoning or comprehensive plan designations;
- (3) Facts to justify the change on the basis of advancing the public health, safety and general welfare;
- (4) The effect it will have on the value and character of the adjacent property and the comprehensive plan;
- (5) The effect on the property owner or owners if the request is not granted;
- (6) The current comprehensive plan land use designation for the property;
- (7) Such other information as the Planning Commission requires.

## PROCEDURAL REQUIREMENTS

The procedural steps to amend either the Franklin County Development Regulations (zoning text), the zoning map, the comprehensive plan text, comprehensive plan maps rezone/amendments applications are in accordance with Chapter 42 of the Franklin County Zoning Ordinance. The following procedural steps, under the administration of the Franklin County Planning Department, shall be followed:

### **I WHO MAY INITIATE AN AMENDMENT?**

#### **(1) Zoning and/or Comprehensive Plan Map(s):**

- (a) Any person, firm, corporation, group of individuals, or municipal corporation may petition for a zone change or a change in comprehensive plan maps with the following exceptions:
  - (ii) If the person, firm, corporation or group of individuals does not have legal ownership of the parcel of land under consideration for rezoning or change in comprehensive plan designation, the petition shall not be accepted. All petitions submitted must contain the signature of the legal owner of the property. The legal owner is considered to be the owner of record. Specific application forms for both zoning and comprehensive plan map amendments can be obtained from the Planning Department.
  - (iii) A person, firm, corporation or group of individuals may not submit, in any one year, more than one petition requesting a zone change or change in the comprehensive plan maps from the property's present zone or comprehensive plan designation to another particular zone or comprehensive plan map designation for the same parcel of land, provided, within the one year period, a person, firm, corporation or group of individuals may submit another petition requesting a zone change or change in comprehensive plan maps from the property's present zone or comprehensive plan map designation to a zone or comprehensive plan map designation other than the zone or comprehensive plan map designation previously requested in the earlier petition.
- (b) The Board of Commissioners shall request the Planning Commission to hold an open Record Hearing on the reclassification of a parcel or parcels of property.
- (c) The Planning Commission may initiate a open record hearing on the reclassification of a parcel or parcels of property.

#### **(2) Zoning and/or Comprehensive Plan Text:**

- (a) The Board of Commissioners upon its own motion may conduct a open record hearing to amend the text, or request that the Planning Commission conduct a public hearing to develop a recommendation on a text amendment.
- (b) The Planning Commission may initiate a open record hearing to develop a recommendation for a text amendment.
- (c) Any resident or property owner may petition the Board for a text amendment.

#### **(3) City and County Coordination:**

- (a) All County zoning and/or comprehensive plan amendments within a UGA shall be coordinated with the affected City prior to change by the County. Coordination shall consist of providing the effected jurisdictions with timely notification of proposed map amendments and affording an opportunity to comment. Map amendments shall conform in all respects to the UGA comprehensive plan.
- (b) Zoning text and/or comprehensive plan amendments shall be coordinated between the County and cities to insure the intent and purpose of the joint development regulations are maintained. Coordination shall

consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.

## **II PUBLIC NOTICE REQUIREMENTS.**

At least ten day's notice of time, place and general purpose of any open record hearing required by this chapter shall be published in a newspaper of general circulation in the County. In addition thereto, written notice of the hearing shall be mailed to each property owner of record, within five hundred feet in the U.G.A.'s and one mile outside of a U.G.A. of the boundaries of the area proposed to be changed or altered. Owners of record shall be determined by a title report not more than thirty calendar days preceding the date of publication. Substantial compliance shall be deemed to be full and sufficient compliance.

## **III AMENDMENT MUST BE CONSISTENT WITH COMPREHENSIVE PLAN.**

In the event any proposed amendment, supplement, change to or repeal of this ordinance is in conflict with the comprehensive plan, said amendment or change shall not be entertained until and if the comprehensive plan is amended.

## **IV FINDINGS OF FACT AND RECOMMENDATION BY PLANNING COMMISSION.**

- (1) The proposal is in accord with the goals and policies of the comprehensive plan;
  - (a) The effect of the proposal on the immediate vicinity will be materially detrimental;
  - (b) There is merit and value in the proposal for the community as a whole;
  - (c) Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal;
  - (d) A concomitant agreement should be entered into between the county and the petitioner, and if so, the terms and conditions of such an agreement.
- (2) The Planning Commission shall render its recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The commission's recommendation, to include its findings and conclusions, shall be forwarded to the Board of Commissioners at a regular business meeting thereof.

## **V APPEAL OF PLANNING COMMISSION RECOMMENDATION.**

Any recommendation of the Planning Commission regarding a petition for reclassification of property may be appealed in accordance with one of the following methods:

- (1) Applicant: Within ten calendar days from the date of the Planning Commission action, file written appeal with the Planner stating the basis of appeal from the Planning Commission recommendation.
- (2) Property owners: Within ten calendar days from the date of the Planning Commission action, file written appeal with the Planner stating the basis of appeal from the Planning Commission recommendation and bearing the signature of at least twenty percent of the owners of record of property within three hundred feet of the property proposed for reclassification.
- (3) Either method of appeal shall include payment of an appeal fee in the amount of one hundred dollars.
- (4) A proper and timely filed appeal shall be presented to the Board of Commissioners in conjunction with the Planning Commission recommendation and shall require the Board to conduct a closed record hearing, notice of which shall be given in accordance with this chapter, to consider the appeal.

## **VI BOARD OF COMMISSIONERS CONSIDERATION.**

- (1) Unless a proper and timely appeal is filed or the Board by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the Board without further review. In the event the Board deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with this chapter.

- (2) In those cases which require further review, the Board shall at the conclusion of a closed record hearing make and enter findings of fact and take one of the following actions:
- (a) Approve the reclassification with or without modification;
  - (b) Enter into a concomitant agreement with the petitioner;
  - (c) Deny the reclassification.

## **VII CHANGE IN ZONING MAP - EFFECTUATION.**

Upon granting the application for zone change or comprehensive plan map change with or without modification and/or conditions, the Board shall change by ordinance the district boundaries, zone classifications or comprehensive plan map designations as shown on the district and comprehensive land use maps and amend, supplement or change by ordinance the regulations established by this ordinance.