



# MEMO

TO: Jasper County Planning Commission

FROM: Judy Johnson, Director of P&Z

DATE: 12/22/2022

RE: Ordinance Amendment to Part II – Code of Ordinances, Chapter 105, Article II., Sec. 105-28 and Part II – Code of Ordinances, Chapter 105, Article VI. subsection 105-160. Both code sections are regarding divisions of land under the Minor Subdivision (aka Minor Plat) regulations.

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Good Day Planning Commissioners,

The following information is regarding the text amendment for Minor Subdivision (aka Minor Plat). The first section will show how the language reads since the Board of Commissioners adopted the former amendment on November 7, 2022. The primary change was to require a Minor Plat to go through the same process as all other subdivision plats – for Public Hearings, review and approval at the Planning Commission meeting and then the Board of Commissioner’s meeting.

After further review, the BOC has decided to revisit the Minor Plat process to allow an in-house review and signature by the Director of Planning & Zoning up to a certain number of lots – which is what you will see on the draft ordinance. Basically, it will be very similar to the same language the Planning Commission recommended in October 2022.

The few changes are:

1. To help keep down confusion, in the definition it will be called a Minor Plat and leave the word subdivision out.
2. In the definition there is also a reference to the total number of times land can be divided under the Minor Plat within a certain amount of time.
3. In the definition – the Planning Board should focus on the total number of lots that should be considered a Minor Plat and the timeframe land could not be further divided unless going through the public process.
4. The language for Section 105-160 reads the same as the proposal in October prior to the change when approved by the BOC in November.
5. Lastly, Bill & I spoke and he has suggested another item I would like for the Planning Commission to consider which would clear up any confusing language regarding the only type of new internal road residential subdivisions are required to be “Conservation Subdivisions”. The legal advertisement in the paper included definitions.

## **SECTION 105-160 AS AMENDED AND ADOPTED 11/07/2022**

### **Section 105-160 - Minor Subdivision Design**

#### 1. Application Requirements:

- A. Submit seven (7) paper copies and one (1) digital copy of the Plat and supporting data.

The Plat shall meet the minimum standards for plat preparation including, but not limited, to:

##### 1. General

- a. Name, address, and phone number of designer of subdivision plat.
  - b. Name, address, and phone number of the owner and developer (if applicable) of subdivision.
  - c. Name of subdivision or address of project location.
- B. Residential Subdivisions on State Routes require GDOT comments to be submitted to the Planning Department of Planning & Zoning along with the Residential Subdivision (aka Final) Plat.
- C. A letter requesting review and approval of a Minor Subdivision plat and giving the name and address of a person to whom the notice of hearing and action on the Minor Subdivision plat is to be sent.
- D. Official date of submission. The official date of submission of the Residential Subdivision plat will be the date of the next regularly scheduled monthly meeting of the planning commission that is more than 60 days following proper Residential Subdivision plat submittal to the director of planning.
- E. The planning commission will review the Residential Subdivision plat for conformance to this chapter, the county zoning ordinance set forth in chapter 119, and other relevant regulations and will consider the comments or suggestions of other appropriate review agencies, persons, or entities in regard to the plat. The planning commission or director of planning will indicate on the Residential Subdivision plat, or by a written memorandum attached to the Residential Subdivision plat, any comments or suggested changes that are necessary to meet the intent of this chapter or to serve the best interests of the county.
- F. Public hearing. Before acting on the Residential Subdivision plat, the planning commission will hear public input on the plat. Notice of the hearing must be published in a newspaper of general circulation in the county at least 15 days before the hearing.
- G. Action of the Board of Commissioners. No more than 60 days after the official date of submission of the Residential Subdivision plat, the Board of Commissioners will either approve the plat, conditionally approve the plat (noting the conditions of approval on the plat), disapprove the plat, or table the plat for further consideration. Action may be taken on the entire Residential Subdivision plat or any portion of it.
- H. Failure of Board of Commissioners to act. If the Board of Commissioners fails to act within 90 days of the official date of submission of the Residential Subdivision plat, the plat will be deemed automatically approved by the Board of Commissioners.

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TO SEPARATE PROPOSED AMENDMENT SHOWN  
BELOW

# ORDINANCE AMENDMENT

**AN ORDINANCE BY JASPER COUNTY, GEORGIA TO AMEND CHAPTER 105 DEVELOPMENT REGULATIONS BY ADOPTING LANGUAGE AS DELINEATED BELOW; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Jasper County, Georgia, hereinafter referred to as the (“County”) pursuant to Paragraph I, Section II, Article IX of the Constitution of the State of Georgia, known as the “Home Rule for Counties”, is authorized to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto, and;

**WHEREAS**, Jasper County, Georgia has determined it beneficial and necessary to have well-functioning ordinances to promote and manage development in the County;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF JASPER COUNTY, GEORGIA THAT THE BOARD OF COMMISSIONERS OF JASPER COUNTY, GEORGIA HEREBY ORDAIN:**

**RESOLVED AND APPROVED** by the Board of Commissioners of Jasper County, Georgia, this \_\_\_\_ day of January, 2023.

## SECTION I

**The Code of Ordinances of Jasper County, Georgia is hereby amended by revising the following definition to Part II – Code of Ordinances, Chapter 105, Article II., Sec. 105-28 shown below:**

***Minor Plat*** means a division of land into no more than 3 new lots, where no new streets are platted, constructed, or opened, no publicly-owned or central sewerage or water facilities are constructed, and no improvements of existing roads are planned. A Minor Plat does not include the further subdividing of a lot within a platted and recorded subdivision. This definition does not include land zoned O-I, C-1, C-2, or M as defined by Sec. 119-48 of Part II of the Code of Ordinances. Further dividing of land approved through the Minor Plat process within a 24-month period where the total number of lots would exceed the 3-lot limit previously approved shall follow for the Residential Subdivision process and require the review and approval of the Planning Commission and Board of Commissioners.

### ***Subdivision***

- (1) The term "subdivision" means the division of a parcel of land that is a lot of record at the time of enactment of the ordinance from which this chapter is derived into three or more lots, building sites, or other divisions, at least one of which is smaller than five acres, for the purpose—whether immediate or future—of sale, legacy, or building development. This definition includes all of the following:
  - a. All divisions of land involving a new street.
  - b. All divisions of land involving a substantial change in existing streets.
  - c. Any resubdivision of land into three or more lots if any lot is smaller than five acres.
- (2) The term "subdivision" does not include the following:

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in this chapter.
  - b. The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the office of the clerk of the superior court of the county prior to the initial effective date of the ordinance from which this chapter is derived.
  - c. The division of land among heirs by judicial decree.
  - d. The division of land into parcels of five or more acres where no new road is involved.
- (3) All residential subdivisions shall comply with the provisions indicated in Chapter 105 / Article VI. - Conservation Subdivisions.

## **SECTION II**

**The Code of Ordinances of Jasper County, Georgia is hereby repealed and replaced by adding the following language to Part II – Code of Ordinances, Chapter 105, Article VI. new subsection 105-160**

### **Section 105-160 - Minor Plat Design**

1. Application Requirements:
  - A. Submit 2 copies or a digital copy of the Minor Plat and supporting data to be reviewed by the Jasper County Planning and Zoning Office and applicable review agencies. The plat shall meet the minimum standards for plat preparation including, but not limited, to:
    1. General
      - a. Name, address, and phone number of the designer of subdivision plat.
      - b. Name, address, and phone number of the owner and developer (if applicable) of subdivision.
      - c. Name of subdivision or address of project location.
  - B. Minor Subdivisions on State Routes require GDOT comments to be submitted to the Planning Department of Planning & Zoning along with the Minor (aka Final) Plat.
  - C. Approval of a Minor Plat shall be deemed an expression of approval of the layout submitted, pending fulfillment of the requirements of these Regulations and the conditions of the Minor Plat, if any.
  - D. If the Minor Plat is not recorded within 6 months of approval, the approval shall expire, unless a request for an extension of time has been submitted to and is subsequently approved by the Planning Commission in a public hearing.

## **SECTION III**

The sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance shall be declared illegal by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **SECTION IV**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

## **SECTION V**

The adoption date of this ordinance amendment is upon creation.

**[SIGNATURE LINE BELOW]**

**SO ORDAINED** this \_\_\_\_ day of January, 2023

**BOARD OF COMMISSIONERS  
OF JASPER COUNTY, GEORGIA**

\_\_\_\_\_  
**Bruce Henry, Chairman  
District 2**

\_\_\_\_\_  
**Shelia Jones, Commissioner  
District 1**

\_\_\_\_\_  
**Don Jernigan, Commissioner  
District 3**

\_\_\_\_\_  
**Gerald Stunkel, Commissioner  
District 4**

\_\_\_\_\_  
**Steven Ledford, Commissioner  
District 5**

**ATTEST:**

\_\_\_\_\_  
**Sharon Robinson, County Clerk**

**{Jasper County, Georgia Seal}**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**S. David Ozburn, County Attorney**