



BANKS COUNTY, GA ORDINANCE RESOLUTION  
ORDINANCE NUMBER 2024-25

DATE ADVERTISED 4/17/24 4/24/24  
PLANNING COMMISSION HEARING 5/7/2024  
BOARD OF COMMISSIONERS HEARING 5/14/2024  
DATE ADOPTED 5/14/2024

AN ORDINANCE TO AMEND CHAPTER 74, ENTITLED "SUBDIVISIONS.", ARTICLE II, ENTITLED "APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.", SECTION 74-98, ENTITLED "REVIEW OF FINAL PLAT."

**WHEREAS**, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

**WHEREAS**, the Board of Commissioners of Banks County desires to amend CHAPTER 74, ENTITLED "SUBDIVISIONS.", ARTICLE II, ENTITLED "APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.", SECTION 74-98, ENTITLED "REVIEW OF FINAL PLAT."

**THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Banks County, Georgia, the following:

- 1 -

CHAPTER 74, CHAPTER 74, ENTITLED "SUBDIVISIONS.", ARTICLE II, ENTITLED "APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT.", SECTION 74-98, ENTITLED "REVIEW OF FINAL PLAT." is hereby amended by deleting Section 74-98 in its entirety and substituting in lieu thereof the following:

- a) The Planning Official or a designated member of the Planning and Zoning Department shall check the plat for conformance with the approved/conditionally approved preliminary plat and for compliance with this chapter and other relevant county regulations and ordinances and report findings and recommendations to the Planning Commission and/or the Board of Commissioners in public session.
- b) Minor subdivisions may be reviewed in office and approved without a public hearing. Class I, II, and III subdivisions must be approved by the Planning Commission and endorsed by the Planning Official in public session. Class IV subdivisions must be approved by the Board of Commissioners through the public hearing process with a recommendation from the planning commission and endorsed by the planning official.
- c) No Class I, Class II, Class III, or Class IV final plat shall be acted upon by the Planning Commission except in public session. Such sessions or hearings must be held at least monthly and are generally held on the first and third Tuesdays of each month. The Planning Official is not empowered to approve or disapprove a final plat request for a Class I, Class II, Class III, or Class IV subdivision. The Planning and Zoning Department will attempt to send not less than seven days before the public hearing a notice of the date and time of the hearing by regular mail to the person designated in the letter requesting final plat review. The Planning and Zoning Department will attempt to contact by telephone the person designated in the letter requesting final plat approval to remind the person of the date and time of the hearing. However, it is the responsibility of the person requesting final plat review to know the date and time of the hearing and to be present at the hearing or have a representative at the hearing.
- d) No action shall be taken on a final plat if the applicant or designated representative is not present at the hearing, in which case the 45-day requirement in subsection (g) of this section is automatically waived for 46 days.

e) At a public hearing within 30 days of request for final plat approval, the approving board shall take one of the following actions which shall be recorded, with reasons for disapproval where appropriate, in the minutes:

1. Approve the final plat.
2. Disapprove the final plat and further notify the subdivider in writing of the specific reasons for disapproval within five days.
3. Table the request for approval to a date certain.

f) For the approving board to approve a final plat, all requirements of these regulations must have been satisfied, and all improvements required must have been completed not less than 15 workdays prior to the scheduled hearing at which final plat approval is requested. All improvements shall be inspected by the approving board during this five-day period.

g) Plats not acted on by the approving board within 45 days of request for approval shall be deemed approved and a certificate of final plat approval shall be issued on request of the subdivider (tabling a request is acting on the request). If, however, the approving board determines that additional time is required to study a final plat, an extension of time shall be requested in writing from the subdivider, who may agree to a specific time extension in lieu of a plat disapproval.

h) If final plat approval is requested two times and is denied both times because required improvements have not been made, the approving board shall not further consider that plat for 90 days following the date of the second disapproval.

i) When all conditions for approval of the final plat have been met and such approval has been granted, the Planning Official shall endorse and date the certificate of final plat approval on the original copy of the final plat. Such approval and endorsement convey the authority to record the plat and to sell lots shown on the plat.

- 2 -

All resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance, or law, which may be applicable hereto and aid in carrying out and make in effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part thereof.

- 3 -

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provision of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

- 4 -

This Ordinance is hereby adopted this 14th day of May, 2024, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the 14th day of May, 2024, the public health, safety, and general welfare demanding it.

**Board of Commissioners of Banks County:**



Charles Turk, Chairman

Danny Maxwell, Vice Chairman



Bo Garrison, Commissioner




Chris Ausburn, Commissioner



Keith Gardner, Commissioner

Attest:



Regina Gailey, Clerk