

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**March 31, 2015**

The Spalding County Planning Commission held its regular monthly meeting on March 31, 2015 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox and Sonny Eubanks. Frank Harris was not present.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**Amendment to UDO #A-15-01:** Article 1. General – Section 106:A – amend Uniform Development Standards adopted by Spalding County.

Mr. Jacobs said this Amendment is a “housekeeping” item adopting the 2011 Edition of the National Electric Code for 2015. The recommendation is for approval.

**MOTION**

Mr. Cox made a motion to approve Amendment to UDO #A-15-01. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Youmans voting for the motion.

**Amendment to UDO #A-15-02:** Article 5. AR-1 – Section 503(C)(6), Article 6. AR-2 – Section 603(C)(5), Article 7. R-1 – Section 703(C)(6), Article 7A - R-1A – Section 703A(C)(6), Article 8, R-2 – Section 803(C)(6), Article 8A. R-2A – Section 803A(C)(6), Article 10. R-4 – Section 1003(C)(6) and Article 11. R-5 – Section 1103(C)(6) – amend non-commercial garden, including greenhouse and other customary garden structures.

Mr. Jacobs said this amendment has been discussed at the last couple of meetings to move toward additional urban agricultural development in the County. This is to take the non-commercial element from the accessory uses in residential zoning districts.

Mr. Youmans said he feels this is a good start. He expressed concern that this might bring on the “lemonade stand” situation where people are going to want to sell the extra garden produce from their property. He is not opposed to that as long as the traffic issue does not arise. Mr. Jacobs said he is taking “baby steps” to see if this will work. Discussion was held regarding the potential for roadside trailers that have the potential for becoming permanent.

**MOTION**

Mr. Eubanks made a motion to approve Amendment to UDO #A-15-02. The motion passed on a second by Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Youmans voting for the motion.

**Amendment to UDO #A-15-03:** Article 2. Definitions of Terms Used – Section 203:S – amend definition of Manufactured Home, Class A.

Mr. Jacobs said the building official noted that when he goes out to inspect manufactured homes there are certain types of things that are required and identified. However, there are other things that are not included in the UDO. This amendment is to include and codify other things that were not previously included. Discussion was held regarding the changes with concern expressed regarding the piers/footers. The members of the Planning Commission felt this section was not clear and wanted it clarified.

### **MOTION**

Mr. Ballard made a motion to approve Amendment to UDO #A-15-03 with the proposed changes as discussed. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Youmans voting for the motion.

Discussion about developing a policy regarding approved/foreclosed subdivisions covenants.

Mr. Galloway addressed the issue regarding subdivision covenants in cases of foreclosure on a development. An issue was raised regarding an older subdivision on Tomochichi Road called Holliday Pass. This was a conservation subdivision which required approval and development pursuant to a specific plan for a conservation subdivision and preservation of green space that was in compliance with the conservation subdivision ordinance. In the research that was done, it was found that the developer had never filed the dedication for the green space. Mr. Galloway reviewed the legal ramifications of a developer purchasing property for development with borrowed funds and conveying a deed to secure debt to the lending party with the covenants on the property. If the deed to secure debt has the covenants on the deed then the covenants remain intact on foreclosure. However, if the deed to secure debt was given to the lender prior to the subdivision being approved with the covenants, then they do not follow the property. This can be complicated if subsequently the subdivision is approved, preliminary platting is approved and the infrastructure is complete and the covenants are recorded but are not on the deed to secure debt. If lots are sold under covenants and then the developer goes into foreclosure, the lender does not have to honor the covenants. The owners of previously purchased lots can find themselves in the position of having a house that complies with covenants that no longer exist which means they are at risk with the value of the investment. In the case of the Holliday Pass, there was never a recorded instrument to dedicate the green space. The prospective purchaser questioned the County regarding whether or not they had to comply with the green space. Mr. Galloway said he is strongly urging the Planning Commission regarding renewal of preliminary plats, particularly those that are in foreclosure, to verify that the original developer complied with the requirements of the zoning for development of the subdivision. Spalding County does not enforce covenants. They are a private contract right. The County does have an interest in trying to make certain that property values in a particular neighborhood are sustained and that development does not develop in a “hodge podge” manner that impacts a pattern of development that has existed in the subdivision. The Planning Commission, when extending a subdivision plat, needs to ascertain whether or not it is in compliance with what the County initially imposed. In the case of Holliday Pass, Mr. Galloway and Mr. Jacobs, because the development was tied to approval with a condition based on that development plan, determined that any developer who purchases the subdivision out of foreclose has to comply with that plan or come for approval of any changes.

Discussion was held regarding issues related to potential changes in previously approved uses of property particularly those related to property going through foreclosure. Mr. Galloway provided the Planning Commission information regarding the fact that Georgia Law now permits the county to adopt a foreclosure registry for property that is vacant for a certain period of time so that the county has a “handle” on the location of those properties. This can be adopted as a policy and requirements can be implemented on lenders to identify and report these properties. This gives the county an opportunity to “watch” these properties for purposes of taking action as it may or may not deteriorate. There is some value from the prospective that it allows the county to know which properties are vacant as a result of foreclosure and it may also facilitate enforcement of the restrictions in the housing standards code. This information was furnished for the consideration of the members of the Planning Commission. This will be discussed further at the next meeting.

**MINUTES**

Mr. Ballard made a motion to approve the minutes of the January 27, 2015 meeting. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Youmans voting for the motion.

**ADJOURN**

The meeting was adjourned on a motion by Mr. Ballard and a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Youmans voting for the motion.

/s/ \_\_\_\_\_  
John Youmans – Chair

/s/ \_\_\_\_\_  
Yvonne M. Langford - Recorder