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McIntosh County Board of Commissioners

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State of Georgia

County of McIntosh

Resolution 2025-3

RESOLUTION OF THE MCINTOSH COUNTY BOARD OF COMMISSIONERS AUTHORIZING A PUBLIC HEARING PROCESS TO ADOPT/RATIFY/REAFFIRM THE ZONING ORDINANCE OF MCINTOSH COUNTY, GEORGIA, AND ZONING MAP, IN ACCORD WITH STATE LAW AND COUNTY CODE. IN THE EVENT OF ADOPTION/RATIFICATION/REAFFIRMATION OF THE ZONING ORDINANCE AND MAP ALL PRIOR VERSIONS OF EACH SHALL STAND SUPERSEDED

WHEREAS, the Georgia Constitution vests in McIntosh County the authority to adopt and enforce zoning laws and ordinances;

WHEREAS, there is in effect in McIntosh County, a zoning ordinance called "The Zoning Ordinance of McIntosh County, Georgia" (hereinafter "Zoning Ordinance");

WHEREAS, there is in effect in McIntosh County a duly adopted Zoning Map (hereinafter "Zoning Map");

WHEREAS, under the State Zoning Procedures Law, the term Zoning Ordinance includes the Zoning Map adoption in conjunction therewith;

WHEREAS, it is the desire of the McIntosh County Board of Commissioners to adopt, ratify and reaffirm both the Zoning Ordinance and Zoning Map;

WHEREAS, it is well established that local governments have the right to adopt, ratify, reaffirm, or otherwise amend ordinances to address any actual or alleged infirmities in a prior version (See, Carson v. Brown, 366 Ga. App. 674 (Ga. App. 2023); Maxim Cabaret v. City of Sandy Springs, 304 Ga. 187 (Ga. 2018); Shelley v. Town of Tyrone, 302 Ga. 297 (Ga. 2017) (challenges to zoning ordinance that had been repealed and replaced were moot); and,

WHEREAS, it is the intent of McIntosh County that the Zoning Ordinance and the Zoning Map will be adopted, ratified, and reaffirmed in accord with the existing Zoning Ordinance and the State Zoning Procedures Law, O.C.G.A. 36-66-1, et. seq.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. In accord with O.C.G.A. 36-66-5(a), McIntosh County does hereby adopt the Rules for Conducting a Public Hearing, attached as Exhibit A and incorporated herein. These rules shall be used by the McIntosh County Planning and Zoning Commission and the Board of Commissioners with respect to the process for adopting, ratifying and reaffirming the Zoning Ordinance and Zoning Map, as contemplated in this Resolution. For purposes of ratifying and reaffirming the Zoning Ordinance and Zoning Map, those actions shall be considered "applications" under the attached Rules;
2. Following adoption of this Resolution, the Zoning Ordinance and Zoning Map to be adopted, ratified, and reaffirmed shall be available for public review and inspection during normal operating hours at the McIntosh County Building & Zoning office and at the County Commission office:

Building & Zoning office	County Commission office
100 Madison Street	1200 North Way
Darien, GA 31305	Darien, GA 31305

3. The Zoning Map to be considered for adoption, ratification and reaffirmance shall be the Zoning Map, dated February 6, 2025, containing the following descriptive language in its title: "McIntosh County Zoning Map as of February 6, 2025";
4. Following the adoption of this Resolution, a legal ad shall be run in the McIntosh County legal organ in a form substantially as set forth below advertising for a public hearing before the McIntosh County Planning and Zoning Commission to consider adoption, ratifying and reaffirming the Zoning Ordinance, with said legal ad to be published no less than 15 days prior to the designated public hearing:

"Notice of Tuesday, March 4, 2025 Public Hearing regarding McIntosh County Zoning Ordinance

The McIntosh County Planning and Zoning Commission will meet in regular session on Tuesday, March 4, 2025 at 5:30 p.m. at the McIntosh County Board of Education Transportation Center, 200 Pine Street, Darien, Georgia for all purposes under the law, including but not limited to conducting a public hearing regarding adopting, ratifying and reaffirming the McIntosh County Zoning Ordinance, to include making a formal recommendation to the McIntosh County Board of Commissioners regarding same. The Zoning Ordinance to be considered for adoption, ratification and reaffirmance shall be available for public review and inspection during normal business hours at the McIntosh County Building office, 100 Madison Street, Darien, GA 31305, and the McIntosh County Commission office, 1200 North Way, Darien, GA 31305. If adopted, ratified and reaffirmed, all prior versions of the Zoning Ordinance shall stand superseded. Final consideration of the matter will be addressed by the McIntosh County Board of Commissioners at their regular session on Tuesday, April 8, 2025 at 10:00 a.m. in the David Bluestein Meeting Room in the Old City Hall Building, 106 Washington Street, Darien, GA 31305."

5. Following the adoption of this Resolution, a legal ad shall be run in the McIntosh County legal organ in substantially the form set forth below advertising for a public hearing before the McIntosh County Planning and Zoning Commission to consider adopting, ratifying and reaffirming the Zoning Map, with said legal ad to be published no less than 15 days prior to the designated public hearing:

"Notice of Tuesday, March 4, 2025 Public Hearing regarding McIntosh County Zoning Map

The McIntosh County Planning and Zoning Commission will meet in regular session on Tuesday, March 4, 2025 at 5:30 p.m. at the McIntosh County Board of Education Transportation Center, 200 Pine Street, Darien, Georgia for all purposes under the law, including but not limited to conducting a public hearing regarding adopting, ratifying and reaffirming the McIntosh County Zoning Map, to include making a formal recommendation to the McIntosh County Board of Commissioners regarding same. The Zoning Map to be considered for adoption, ratification and reaffirmance shall be available for public review and inspection during normal business hours at the McIntosh County Building office, 100 Madison Street, Darien, GA 31305, and the McIntosh County Commission office, 1200 North Way, Darien, GA 31305. If adopted, ratified, and reaffirmed, all prior versions of the Zoning Map shall stand superseded. Final consideration of the matter will be addressed by the McIntosh County Board of Commissioners at their regular session on Tuesday, April 8, 2025 at 10:00 a.m. in the David Bluestein Meeting Room in the Old City Hall Building, 106 Washington Street, Darien, GA 31305."

6. In March, 2025, a legal ad shall be run in the McIntosh County legal organ in substantially the form set forth below advertising for a public hearing before the McIntosh County Board of Commissioners to consider adopting, ratifying and reaffirming the Zoning Ordinance, with said legal ad to be published no less than 15 days prior to the designated public hearing:

"Notice of Tuesday, April 8, 2025 Public Hearing regarding McIntosh County Zoning Ordinance

The McIntosh County Board of Commissioners will meet in regular session on Tuesday, April 8, 2025 at 10:00 a.m. in the David Bluestein Meeting Room in the Old City Hall Building, 106 Washington Street, Darien, Georgia, 31305 for all purposes under the law, including but not limited to conducting a public hearing regarding adopting, ratifying and reaffirming the McIntosh County Zoning Ordinance. The Zoning Ordinance to be considered for adoption, ratification and reaffirmance shall be available for public review and inspection during normal business hours at the McIntosh County Building office, 100 Madison Street, Darien, GA 31305 and the McIntosh County Commission office, 1200 North Way, Darien, GA 31305. If adopted, ratified, and reaffirmed, all prior versions of the Zoning Ordinance shall stand superseded."

7. In March, 2025, a legal ad shall be run in the McIntosh County legal organ in substantially the form set forth below advertising for a public hearing before the McIntosh County Board of Commissioners to consider adopting, ratifying and reaffirming the Zoning Map, with said legal ad to be published no less than 15 days prior to the designated public hearing:

"Notice of Tuesday, April 8, 2025 Public Hearing regarding McIntosh County Zoning Map

The McIntosh County Board of Commissioners will meet in regular session on Tuesday, April 8, 2025 at 10:00 a.m. in the David Bluestein Meeting Room in the Old City Hall Building, 106 Washington Street, Darien, Georgia, 31305 for all purposes under the law, including but not limited to conducting a public hearing on adopting, ratifying and reaffirming the McIntosh County Zoning Map. The Zoning Map to be considered for adoption, ratification and reaffirmance shall be available for public review and inspection during normal business hours at the McIntosh County Building office, 100 Madison Street, Darien, GA 31305 and the McIntosh County Commission office, 1200 North Way, Darien, GA 31305. If adopted, ratified, and reaffirmed, all prior versions of the Zoning Map shall stand superseded."

SO RESOLVED, this 11th day of February, 2025, the public welfare demanding it.

MCINOSH COUNTY

Catherine Pontello Karwacki
Catherine Pontello Karwacki, Chairman

ATTEST:

Sherrell D. Davis
Sherrell D. Davis, Clerk

[SEAL]



EXHIBIT A

PROCEDURES FOR CONDUCTING A PUBLIC HEARING.

- 1) All public hearings on zoning amendments shall be chaired by either the Chairman of the Planning Commission or the County Commission Chairman or their designees.
- 2) A secretary shall record the proceedings of the public hearing. If requested by any person, verbatim transcripts of the public hearing can be prepared, only if requested and purchased in advance by the requesting person.
- 3) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.
- 4) The official zoning map and the McIntosh County Comprehensive Plan shall be available at the public hearing for reference by the Planning Commission.
- 5) Copies of procedures shall be available upon request by the public at each public hearing.
- 6) The Chairman of the Planning Commission or County Commission Chairman shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.
- 7) The Building and Zoning Administrator or his/her designee, shall then present a report, including any recommendation concerning the proposed zoning decision, and any other information related to the zoning decision.
- 8) Any person may appear at the public hearing in person, by agent, or by an attorney-at-law.
- 9) The process to be followed in conducting these hearings shall be as follows:
 - a. The presiding officer shall state the specific zoning amendment, zoning decision, or zoning ordinance being considered at the public hearing.
 - b. The presiding officer shall recognize persons wishing to testify or present evidence and, subject to the time limitations contained in sub-paragraph (c) hereof, allow presentations.
 - c. Individuals wishing to speak for or against an application shall enter their name and address on a sign-in sheet provided by the quasi-judicial officer, board or agency, secretary, or county clerk, as appropriate, prior to the opening of the hearing, indicating whether they are proponents speaking for or opponents speaking against the application. The applicant for the zoning decision shall speak first. Other persons in support of the application may then speak, followed by those opposed to the application. The applicant may then be allowed a rebuttal opportunity, provided time remains and the applicant has reserved such rebuttal time. Proponents, including the applicant, shall be given a minimum of ten minutes and a maximum of 20 minutes to present information concerning the application and may choose to reserve a portion of that time for rebuttal. Rebuttals must be limited to topics and issues raised at the hearing by opponents of the applications. Opponents of the application shall also be given a minimum of ten minutes and a maximum of 20 minutes to present information. These minimum and maximum timeframes shall apply to each side and not to individuals wishing to speak. The presiding officer may grant additional time, provided an equal amount of time is granted to both proponents and opponents.

- d. All speakers shall limit remarks to data, evidence, and opinions relevant to the application being considered. Speakers shall address all remarks to the presiding officer. Quasi-judicial officers, board or agency members or county commission members may ask questions of the applicant at any time. Time devoted to questions and answers shall not affect any time limitations imposed on presentation.
- e. Once all persons have concluded their testimony, the presiding officer shall adjourn the public hearing. Hearings may be continued from time to time and, if the time and place of the continued hearing be publicly announced at the time of the adjournment no further notice of such continued hearings shall be required; otherwise, notice thereof shall be given, as in the case of the original hearing.

10) The Planning Commission shall reach a decision as to its recommended action following the public hearing described above, within a reasonable period of time.

11) Printed copies of these procedures shall be available for distribution to the public at the public hearing and available for public review on or before the date of the public notice announce the public hearing at the building and zoning department.