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# SPECIAL & CONDITIONAL USE APPLICATION

Article 16 of the Zoning Ordinance

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## Application, instructions and information

PZ-S/CU-091215.1

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Troup County  
Planning & Zoning Office

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### PLEASE READ BEFORE APPLYING

*First, check to see if the subject property (property for which the Special Use or Conditional Use is requested) is subject to subdivision or property covenants. Covenants are private restrictions on the use of land and are basically private agreements or contracts. They are usually recorded either on a deed, subdivision plat or as an addendum to a subdivision plat. Covenants are legally binding upon all property owners referenced on the deed or subdivision plat, including subsequent owners, for the time period as established on the deed or plat. Please refer to Georgia Law OCGA 44-5-60 for additional information regarding covenant renewal and time limitations on covenants.*

*Since they are private agreements or contracts and the county is not a party to the covenant, only the parties subject to the covenants may enforce them. Troup County cannot enforce private covenants. In order to enforce covenants, affected persons will need to file a civil action in Superior Court. A lawyer will need to be contacted to assist with the filing. If the requested Non-Conforming Use and Structure violates your property covenants, you might become the focus of a civil action. A Special or Conditional Use approval is not authorization to violate covenants and will not protect you in a lawsuit or civil action brought by your Property Owners Association, land lord or property manager.*

*For information about obtaining a copy of subdivision covenants, please contact your Home Owners' Association or the Deeds & Record's office of the Clerk of Superior Court at Suite 1602 in the Troup County Government Services Center between the hours of 8:00am and 5:00pm, Monday through Friday, except holidays.*

Troup County is a great place to live, work and play. Troup County boasts a diverse economy and offers a wide variety of living options. Troup County Commissioners, management and staff have worked and listened to residents who have said there should be a balance between the areas agricultural and rural past along with opportunities for growth and success.

The Troup County Zoning Ordinance is the result of many months of planning and public meetings where residents and professionals expressed opinions, desires and beliefs to propose policies. Taking all of these into consideration, the Board of Commissioners ultimately approved the standards outlined by the Zoning Ordinance, and the zoning districts expressed on the Zoning Map. As result, some land (and structure) uses are permitted 'by right' in the various zoning districts. Others may require approval as a Special or Conditional Use.

Under Troup County ordinances, a Special Use is typically more intense in nature, approved permanently (unless specifically made temporary by the BOC) and 'runs with the land'. A Conditional Use, on the other hand, is temporary and the approved use when the use ceases, the ownership changes or some other condition affecting the use changes.

Uses are either permitted 'by right' in the zoning district, not permitted, or permitted with a Special Use or Conditional Use approval. The Permitted Uses Tables are too lengthy to be duplicated here, but may be found in Article 7 of the Zoning Ordinance.

**16.19 Special Uses.** Because of the permanency of Special Uses, applications for Special Uses are heard first by the BZA/PC which recommends approval or denial to the Board of Commissioners. The BOC will consider the following standards:

- The available existing street system is adequate to efficiently and safely accommodate the traffic that will be generated by the proposed use or development.
- The existing public utilities, facilities and services are adequate to accommodate the proposed use or development.
- The use or development will not generate or cause conditions such as noise, light, glare, or odor or similar objectionable features which would reduce the value, use or enjoyment of surrounding properties.
- The use would not have a detrimental environmental impact on the surrounding area.
- The use would not adversely affect the health, safety, and general welfare of the community.

If at any time after approval the Zoning Administrator finds that the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the use discontinued until in compliance with the conditions.

Each application shall contain a simple sketch of the site to scale, showing the following:

- The general location of all existing structures and property lines;
- Present zoning of adjacent property;
- The existing use of adjacent property;
- Location of proposed buildings and land use;
- A legal description of the property;
- Setbacks;
- Parking spaces, if applicable.

**16.21 Conditional Uses.** Because of their temporary nature, Conditional Use applications are considered and approved or denied by the Board of Zoning Appeals (BZA/PC). The BZA considers the following:

- The use will not generate or cause conditions such as noise, light, glare, or odor or similar objectionable features to the surrounding neighborhood.
- The use would not have a detrimental environmental impact on the surrounding area.
- The requirements set forth in this ordinance for each conditional use have been met.

Each application shall contain a simple site sketch drawn to scale, showing the following:

- The general location of all existing structures and property lines;
- Present zoning of adjacent property;
- The existing use of adjacent property;
- Location of proposed buildings and land use;
- Setbacks.

## Instructions

- ✓ Please read the full application packet carefully.
- ✓ Provide all requested information. If something doesn't apply, write N/A (not applicable).
- ✓ This application is for Special Use or Conditional Use requests. Briefly, Special Uses are typically more intense uses requiring the Board of Commissioner approval; Conditional Uses are less so and temporary requiring BZA/PC consideration.
- ✓ Uses requiring Special or Conditional Use by zoning district are found in the Permitted Uses tables in the Zoning Ordinance.
- ✓ The Application fees do cover advertising and processing costs, but do not include subsequent applications and/or permits and associated fees that may be necessary. Application Fees are not refundable after advertisements are placed.

- *Applicant* – this is the person completing the application. The applicant may be the property owner, but not necessarily the proposed resident. A property buyer may apply if an active Purchase Agreement is submitted with the application. Provide the current home address and phone number as well as current mailing address if different.

### Subject Property Information

- *Assessor parcel number (APN)* – available from your deed, property tax bill, the Property Appraisal Office, Suite 2100, 2<sup>nd</sup> floor Government Services Center, or online <http://property.trouppcountyga.org>.
- *Street Address and Zip Code* – the physical site address for which the Special or Conditional Use is requested. If there isn't an assigned street number, provide the street name. If there is no street number or the proposed location isn't part of a subdivision, you will need to apply for an address assignment after the building permit is issued.
- *Acres* – the lot size of the subject property. The Property Record Card (PRC) is considered the official record.
- *Conservation Use* - If your property is in a conservation covenant, consider conferring with the Property Appraisal Office before submitting your application.
- *Zoning District* – the zone according to the Troup County Official Zoning Map at the time of the application.
- *Present use* – list all present uses, include its residential use and any other previously approved special or conditional uses.
- *Frontage* – provide the road name on which the property fronts, and amount of road frontage in linear feet.
- *Zoning and use of adjacent properties* – for every property that borders the subject property, list the zoning (SFMD, AGR, GC, etc) and the present use (residential, commercial, undeveloped, school, church, etc).
- *Owned or Rented?* – Do/will you own or rent the lot of the proposed placement? If you do/will rent, you must provide the owner's name and contact information and the owner must sign the application.
- *Property Owners Name and Address* – provide information for the property owner. The PRC is the official record to determine the owner of record. If the PRC does not yet reflect current ownership, you may provide additional documentation such as a valid Purchase Agreement, or copy of a recorded deed.

### Special Use or Conditional Use Request

- *Referring to the Permitted Uses tables in the Zoning Ordinance, do you need a Special Use permit, or a Conditional Use permit? (Check one). Please ask for assistance in making the determination if needed.*
- *Please describe the circumstance and/or conditions.*
- *Signature* – The property owner must sign the application for the variance. If the applicant is the purchaser, please provide a copy of the active Purchase Agreement. The Purchase Agreement must remain enforce through the final hearing dates. Properties held in Trust must be signed by the Trust Manager or other legally authorized representative. A legal Power of Attorney is also acceptable.

### Following page

- *Lot or parcel sketch* – provide a hand drawn sketch to scale of the lot or parcel of the proposed location. Indicate the length in feet of each property line. Attach a survey if one is available. If the Use application is for a new structure, indicate the proposed location of the unit(s) on the drawing.
- *Additional Information* – use the next block space on the following page to provide additional information that might not fit in the provided spaces on the main application form.

### Drawing 'to scale'

*When a map is drawn to scale it means a specific amount of distance on the map equals a specific amount of distance in real life, and that this scale is consistent across all of the map. The ratio and proportions of all the features will carry over from the depictions on the map to what they are in reality or in real life. If an island in a bay is half as long as the bay on the map, then it is half as long as the bay in real life.*

*Example: A drawing where 200 feet equals half an inch. You could measure the distance on the map between two places. If it were an inch and a half, then you would know that in real life, the distance between those two points was 600 feet, and a line that was a quarter of an inch on the drawing, in real life would equal 100' with a 'half-inch' scale. The scale can be half an inch, an inch, or so on. As long as the same unit of measurement is used, this same measurement would represent the same real life distance anywhere on the drawing.*

Submitting Completed Application Form – Applications may be submitted via e-mail, fax, mail or in person in the Building Inspections Office. Fees are due by the Application deadline. Troup County accepts cash, checks and Visa/Mastercard. For your security, credit cards must be presented in person by the cardholder.



Troup County, Georgia

# Special or Conditional Use Application

100 Ridley Ave, Ste 1300, Lagrange GA 30240 | FAX: 706-883-1653

CASE #	FEE PAID \$	Application Date	RECEIPT # / BY
S/CU-	<input type="checkbox"/> \$300.00		# /

**Please read the following and attached materials before applying.**

**DISCLAIMER: Please read all instructions carefully.** Information provided must be confirmed by current Property Records maintained by the Troup County Property Appraisal Office. Additional permits may be necessary.

**Incomplete applications will not be reviewed or processed. Please enter N/A if a question is not applicable. Fees are non-refundable.**

### APPLICANT INFORMATION

Applicant's Name	Mailing Address	City   State	Zip
Phone 1	Phone 2	E-Mail	

### SUBJECT PROPERTY INFORMATION

Assessor Parcel Number	Street Address (street name if no address)	City / Zip	# ACRES or SQFT
- - -			
Do you have Covenants? <input type="checkbox"/> Yes <input type="checkbox"/> No	Zoning	Present Use	Frontage / Ft. Subdivision
<i>Zoning / Use of Adjacent Properties</i>			
NORTH	SOUTH	EAST	WEST
/	/	/	/

OWNED/PURCHASING  
 RENTED

**IF RENTED, PROPERTY OWNER MUST SIGN.  
IF PURCHASE NOT CLOSED AT TIME OF APPLICATION, PROVIDE PURCHASE AGREEMENT OR OWNER MUST SIGN.**

Property Owner's Name	Mailing Address	City   St   Zip	Phone
Authorized Signature ⇨		Date ⇨	

### REQUEST INFORMATION

Using the information from the Zoning Ordinance, please indicate either the Special or Conditional use being requested.

**Special or Conditional use approval may not be granted to circumvent use of land, building or structure standards not permitted by right in the subject property zoning district**

Check one:  
 Special Use  
 Conditional Use

*Please Describe (draw site plan on following page or attach plats, site plan and additional information as required, continue description in space on the following page)*

### Office Use Only Below

Application	Correct Use Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No Drawing provided? <input type="checkbox"/> Yes <input type="checkbox"/> No	Taken/Reviewed by	Date
ADMINISTRATIVE	Requires new Permitted Use Category? <input type="checkbox"/> Yes <input type="checkbox"/> No Zoning Administrator:	Describe New Use needed	
BOZA/PC	Date:	Decision <input type="checkbox"/> APPROVE   <input type="checkbox"/> DENY	Vote: of
BOC (Special Uses)	Name	Signature	Date
Conditions			

Troup County, Georgia Special or Conditional Use Application  
*Additional Conditions, Comments and Information*

Provide lot sketch to scale with dimensions in the space below or attach survey, plat or other design documents.

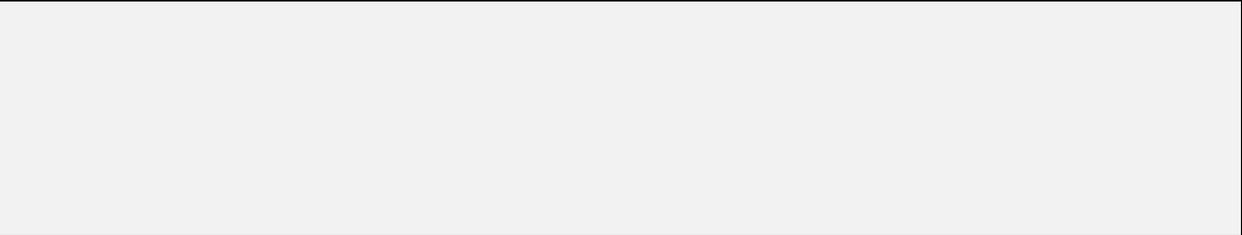


**Additional Applicant, Subject Property and Request Information**

*If for a commercial use, describe the business below. This description must include hours of operation, number of employees, equipment used, products made or sold, type of signs, and other information as needed for the Troup County Commission to reach an informed decision.)*



***Office Use Only*** - Review Comments



***Conditions & Restrictions to Approved Non-Conforming Use and Structure Request***

