



# TOWN OF TYRONE

**“TALK OF THE TOWN”**

QTR 4 2022  
December 12, 2022



# AGENDA

1. Introduction of Officials & Staff in Attendance
2. Updates from the Town
3. Info Session - Zoning and Development
4. Q&A



QUARTERLY PUBLIC UPDATES  
FROM THE TOWN'S LEADERSHIP

# Introductions



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# Updates

- **Projects**
  - 2023 SPLOST
  - Shamrock Park Playground
  - Pickleball Courts
  - Tyrone Road MU Path



# Update: 2023 SPLOST

- [2023 SPLOST Information](#)
- Vote: March 2023 - exact date TBD



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## Update: DDA

- **Fire Station Property**
- **2023 First Friday Series**



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# **Information Session: Zoning & Development**



# Zoning & Development

- Among the most misunderstood functions of local government!
  - Why is the Town putting a Goodwill there?
  - The Town needs to build a Red Lobster!
  - Not in my backyard!
- Zoning decisions, development, and the growth that comes with them often result in angry, disillusioned citizens.
- The reality - the law, rather than the wants/needs of citizens and elected officials, guides the process. The Constitution and Supreme Court Case Law often favor the rights of property owners.



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# Zoning & Development

## What's the purpose?

- Zoning is a “vast set of regulations that determine where you can build, what you can build, and what activities you can engage in on your property.” ([Strong Towns](#))
- Stems from two legal concepts: nuisance control & police power.
- Police Power: ensure the health, safety, and general welfare of the people.
- the idea is that a city can regulate the use of land in order to avoid the nuisance conditions before they happen.



# Zoning & Development

**BUT...That power to regulate is not absolute!**

- **The Constitution prohibits the government from taking private land without just compensation.**
- **Also, SCOTUS recognized in 1922, “if regulation goes too far it will be recognized as a taking.” [PA Coal Co. v. Mahon](#)**
- **Many other cases have been decided since then that provide additional guidance on zoning - many side heavily with the landowner.**



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## Zoning & Development

**Learning the zoning laws is eye opening for new Elected Officials and Planning Commissioners.**

### **TAKEAWAY:**

**Zoning decisions are not always up to what citizens and/or elected officials *want*. The result could be something perceived as negative.**



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# Zoning & Development

## Planning & Zoning Documents:

1. Zoning Ordinance
2. Zoning Map - Depicts the current zoning.
3. Future Land Use Map - Depicts what the future zoning could be based on Comp Plan process.
4. Comprehensive Plan
5. LCI, etc.



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# Zoning & Development

## Zoning Process (Generally):

1. Application
2. Advertisement
3. Public Hearing - Planning Commission
4. Public Hearing - Council
5. Approval or Denial



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# Zoning & Development

## Zoning Process (Generally):

- **Staff and Elected Officials have no authority to refuse to consider a complete application - the aforementioned process MUST take place if an application is received. Landowners have a Constitutional right to petition their government.**
- **This is sometimes perceived as implicit approval by the Town - i.e. “I saw zoning signs. The Town is going to allow 300 apartments to come in!”**



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# Zoning & Development

## Considerations:

- **Current zoning - if a development wants to locate on a property that is already zoned to allow it, the Mayor and Council are not involved.**
- **For example, a fast food restaurant that wants to go on a parcel that is currently zoned C-2 (Highway Commercial) does not have to apply for zoning and Elected Officials are not involved.**
- **Remember - municipalities cannot outright ban any business type - we can only regulate.**



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# **Q&A With Officials and Staff**





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- 770-487-4038 - Town Hall
- 770-881-8340 - Brandon's Direct Line