

Chapter 40

PLANNING*

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***Cross references**—Administration, ch. 2; alcoholic beverages, ch. 6; buildings and building regulations, ch. 14; businesses, ch. 18; community development, ch 21; environment, ch 26; parks and recreation, ch. 36; solid waste, ch. 44; traffic and vehicles, ch. 52; land development regulations, appendix A.

State law references—Authority to adopt plans and exercise the power of zoning, Ga. Const. art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

ARTICLE I. IN GENERAL**Sec. 40-1. Adoption of comprehensive land use plan.**

The Cairo-Whigham-Grady County Comprehensive Land Use Plan is hereby adopted in compliance with the minimum planning standards and procedures as specified by the Georgia Planning Act of 1989. A copy of such plan is on file in the office of the clerk of the board of commissioners.

(Res. of 6-4-91; Ord. of 8-20-91)

Secs. 40-2—40-25. Reserved.

ARTICLE II. PLANNING COMMISSION***Sec. 40-26. Scope.**

(a) The board of commissioners enact the bylaws of the county planning commission under the exercise of powers conferred upon it by the state constitution, article IX, section II, paragraph I and paragraph IV.

(b) The bylaws set out in this article shall govern the purpose, duties, responsibilities, policies and procedures of the planning commission. The bylaws shall keep in effect all current purposes, duties, responsibilities, policies and procedures, including adopted resolutions, unless specifically changed under the rules of the bylaws.

Sec. 40-27. Purpose, duties and responsibilities.

The purpose, duties and responsibilities of the planning commission shall include, but not be limited to:

- (1) Researching, reviewing and making recommendation to the board of commissioners on amendments to the land development ordinance and the official land development maps, the comprehensive plan and the elements thereof, and other policies and procedures of the code enforcement office and related matters.
- (2) Advising the board of commissioners on environmental, public health, safety and general welfare matters which may include infrastructure, historic, business, residential and recreational matters, policies and procedures.
- (3) Working with various public and private organizations and agencies engaged in or interested in planning and development activities so as to provide leadership in identifying and implementing county objectives for planning and development.
- (4) Assisting the code enforcement office, other county departments, boards and authorities when appropriate to the purpose of the planning commission and the board of

*Cross reference—Administration, ch. 2.

commissioners in carrying out their various functions by making recommendation to achieve the desired benefits on behalf of present and future county residents and businesses as a whole.

- (5) Reporting to the board of commissioners after research and review on any matter or class of matters referred to the planning commission by the board of commissioners before action is taken thereon by it.

(Ord. of 11-5-91, § 1)

Sec. 40-28. Members; terms of appointment; officers.

(a) The board of commissioners shall appoint five citizens of the county to serve as members of the county planning commission. The members of the county planning commission shall be appointed for staggered terms of four years. The planning commission shall elect as officers one member to serve as chairman and one member to serve as vice-chairman. The officers of the planning commission shall be elected annually at the first public hearing scheduled in January of each year. Election shall be by a majority vote of the planning commission. The term of office for each officer shall begin immediately upon election. An officer shall fulfill his term unless relieved of his duties by the board of commissioners or until he voluntarily steps down. In the event of an extended absence of either officer, the planning commission may appoint either a temporary chairman or vice-chairman or until the expiration of his time of office, whichever comes first.

(b) The chairman shall be elected for a term of one year beginning in January, 1992, and each year thereafter. The chairman shall preside at all meetings and shall have all duties conferred by parliamentary usage on such officer. The chairman shall decide all points of order and procedures subject to the rules of this article unless otherwise directed by a vote of the planning commission. The planning commission, by adoption of the bylaws in this article, grants to the chairman the privilege of initiating motions and the privilege of voting on all matters before the planning commission. These same privileges shall be extended to the vice-chairman or temporary chairman when acting in the absence of the chairman.

(c) The vice-chairman shall be elected for a term of one year beginning in January, 1992 and each year thereafter. The vice-chairman shall act as the chairman in his absence. When acting as chairman the vice-chairman shall have the same powers, duties and privileges as the chairman.

(Ord. of 11-5-91, § 2)

Sec. 40-29. Building official as executive secretary.

The building official shall serve as the executive secretary of the planning commission and may delegate the performance of the tasks required by the executive secretary to his subordinates. The executive secretary shall provide such technical, secretarial and other support services as the planning commission may reasonably require in the conduct of its business, including the maintenance of minutes and records, the preparation of an agenda for all meetings, the providing of notice of all meetings, the placement of appropriate legal notices

as required by ordinance, attendance to the correspondence of the planning commission, providing the planning commission with the final action by the board of commissioners on the recommendations of the planning commission, and other services which may be required, to the extent such services can be provided within the budgetary limitations of the building official.

(Ord. of 11-5-91, § 3)

Sec. 40-30. Agenda, minutes.

(a) The chairman and executive secretary of the planning commission shall determine the meeting agenda. All matters to be considered and/or acted upon by the planning commission, nonagenda matters, which in the judgment of the chairman do not involve action directly affecting the public, may be discussed and voted thereon.

(b) Meeting minutes shall include and indicate all important facts, a report of all actions taken, and shall include a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary which is relative to the decisions made on matters before the planning commission.

(c) The executive secretary shall prepare sufficient copies of the agenda and the applicable rules of procedure for use by the audience attending a meeting of the planning commission.

(Ord. of 11-5-91, § 4)

Sec. 40-31. Meetings.

Meetings of the planning commission shall be held in accordance with the schedule adopted by the board of commissioners annually, as amended. One meeting shall normally be held each month which shall be the second Thursday of each month. All meetings shall be voting sessions and open to the public.

- (1) *Public hearings.* Public hearings shall be used when required by resolution, ordinance or county policy or when desired by the planning commission to formally present matters before the planning commission, and provide a public forum for the proponents and opponents of matters, discussion of matters by the planning commission and the voting thereon.
- (2) *Special called meetings.* The chairman, executive secretary or a majority of the planning commission may call a special meeting at any time. The executive secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each planning commission member. No business other than the specific stated purpose shall occur at the special called meeting.

(Ord. of 11-5-91, § 5)

Sec. 40-32. Order of business.

The normal order of business at planning commission meetings shall be:

- (1) Determination of a quorum.

- (2) Approval of minutes of previous meetings.
- (3) Voting on matters heard and tabled from previous public hearings.
- (4) Public comment, discussion by the planning commission and voting on matters which have had their public hearings continued from a previous meeting.
- (5) New business for:
 - a. Amendments to the land development ordinance and official land development maps of the county.
 - b. Subdivision plat approval.
 - c. Other new business matters requiring a public hearing.
 - d. Reports by staff and committee and other new business.
 - e. Comments by staff and planning commission members.
 - f. Adjournment.

The chairman may change the order of the agenda on matters appearing on the agenda during the meeting, if in his judgement time and purpose may be served.

(Ord. of 11-5-91, § 6)

Sec. 40-33. Rules of procedure.

The rules of procedure for planning commission meetings are as follows:

- (1) The chairman shall call the matter before the planning commission.
- (2) The chairman shall then call parties in interest who shall have privilege on the floor by appearing before the planning commission and identifying themselves by name, address and affiliation with any business or organization which would be relative to the matter being considered. Proponents shall speak first, opponents shall speak second. All comments and questions from the parties in interest shall be directed to the planning commission. Neither proponents or opponents shall generally have more than ten minutes total to present their interest and the chairman shall have the power to restrict or expand the period of time for presentations if, in his or her judgement, circumstances surrounding the matter may warrant such action.
- (3) The chairman shall call for questions from the planning commission to the proponents or opponents immediately after their individual presentation or at the conclusion of all presentations.
- (4) The chairman shall then call for discussion of the matter by the planning commission and the voting thereon. Once discussion by the planning commission has been called for, no further comment or presentation shall be made by parties in interest unless a planning commission member has a specific question for a party in interest, or the chairman deems further comment to be appropriate and germane to the issues surrounding the matter before the planning commission.

- (5) All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgement of a majority of the planning commission specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.

(Ord. of 11-5-91, § 7)

Sec. 40-34. Cancellation of meetings.

If there is a lack of business to be discussed and/or voted upon at a future meeting, the chairman or a majority of the planning commission may cancel the meeting in question.

(Ord. of 11-5-91, § 8)

Sec. 40-35. Quorum.

A quorum shall consist of a majority of the planning commission members and a majority vote of those present constituting a quorum shall be sufficient to decide all matters which come before the planning commission.

(Ord. of 11-5-91, § 9)

Sec. 40-36. Voting.

(a) A planning commission member who is part of a quorum of the planning commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter.

(b) A majority vote of a quorum of the planning commission is required for approval of all motions. A tie vote shall be deemed as a denial of the motion. A motion which fails by a majority vote shall not be deemed as approval of the opposite position, with any amendments and conditions, in order that the opposite position be submitted to the board of commissioners as the recommendation of the planning commission.

(c) The planning commission may add conditions to the approval of any application or matter it deems necessary so that the purposes of the county's resolutions, ordinances, regulations, policies and procedures are served, and so that the public health, safety and welfare of the residents of the county as a whole shall be protected and/or enhanced.

(d) The vote of each planning commission member, along with any explanation or commentary related to the decision of the planning commission on all actions on a particular matter, shall accompany the planning commission's recommendation to the board of commissioners.

(Ord. of 11-5-91, § 10)

Sec. 40-37. Conflict of interest.

(a) If any planning commission member has any interest in any matter, proponent or opponent which may result in a gain or loss to that planning commission member, his immediate family by blood or marriage, or to any individual, partnership or corporation with

whom that planning commission member has had any regular business or contractual relationships within the past 12 months, the planning commission member shall not participate in the consideration, discussion, questioning and voting on that particular matter before the planning commission, nor shall the planning commission member take any action which may influence the vote of any other planning commission member. If the chairman has a conflict of interest, the vice-chairman shall preside over the meeting during consideration of that particular matter.

(b) Any planning commission member may challenge another planning commission member and raise the question of conflict of interest regarding a particular matter. A majority of those without such challenge shall determine if such conflict of interest shall be left to the individual judgement of each planning commission member to determine if he is voting on the facts of a matter, for the general good of the county, and for the public health, safety and welfare of its residents as a whole.

(Ord. of 11-5-91, § 11)

Sec. 40-38. Committees.

The chairman may appoint, with the concurrence of the planning commission, various standing and temporary committees to further the purpose of the planning commission. Such committees may include members of the staff of various county departments, residents and business owners of the county and other individuals whose background and knowledge may be of benefit to the planning commission in accomplishing its goals. The purpose of committees shall be to make detailed investigations, studies and recommendations to the planning commission as instructed pertaining to matters or classes of matters falling within its purview.

(Ord. of 11-5-91, § 12)