

ARTICLE VII. - PLANNING COMMISSION
DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING COMMISSION

Sec. 2-276. - Established.

The Lee County-Leesburg-Smithville Planning Commission, referred to in this division as the "planning commission," is established and reestablished effective as of the date establish in accord with the provisions of section 2-291.

(Ord. of 4-18-2005)

Sec. 2-277. - Prior acts ratified.

All acts of the planning commission as the commission was constituted prior to March 1, 2005, are ratified and approved by the board of commissioners. All existing members of the planning commission having been appointed in the same manner as provided in this division as of January, 2005 for four-year terms commencing January 1, 2005, such appointments are ratified as of the effective date of this division, and such member so appointed shall continue to serve out their respective terms in accord with the terms of the division.

(Ord. of 4-18-2005)

Sec. 2-278. - Membership.

- (a) The planning commission shall consist of a board of seven members appointed by the jurisdictions in the following manner: five board members shall be appointed by the board of commissioners of the county, with each county commissioner nominating one person residing in that county commissioner's district, and the board of commissioners ratifying, by majority vote, such nomination. In the event that such nomination is not ratified by majority vote, then the county commissioner shall nominate another person from such county commissioner's commission district. One board member shall be appointed by majority vote by the governing body of the City of Leesburg, and one board member shall be appointed by majority vote by the governing body of the City of Smithville. In the event that a planning commission member moves his or her residence to a location outside of the appointing jurisdiction or outside of the district in which such member resided at the time of such member taking office, then the seat of such member shall be declared vacant, and the appointing authority shall appoint another person qualified for membership on the commission to fill the unexpired term of such member.
- (b) Planning commission members shall be appointed for four-year terms; provided, however, with respect to the members of the planning commission appointed hereunder, beginning with the appointments to the planning commission to be made in December, 2008, or January 2009, three of the members appointed by the county commission shall be appointed for initial terms of two years, and two of the members appointed by the county commission shall be appointed for initial terms of four years. Each member appointed by the governing body of Leesburg and the governing body of Smithville shall be appointed for initial terms of four years. Thereafter, all members shall be appointed for terms of four years. Nothing shall prevent a member from succeeding himself, and,

except as otherwise provided herein, all members of the planning commission shall hold office for the term specified and until the appropriate governing body shall have appointed such member's successor. Any vacancy on the planning commission shall be filled in the same manner as the position was filled prior to the occurrence of the vacancy for the unexpired term of the member.

- (c) Any member of the planning commission may be removed from office by a two-thirds vote of the local governing body which appointed such member in the event that such member is arrested for or convicted of a felony, a misdemeanor of a high and aggravated nature, or a crime involving turpitude, is found by the appointing authority to be guilty of misfeasance or malfeasance in office, is found to have failed to attend more than three successive regular meetings of the planning commission without justification or excuse, or for any other reason that the governing body which appointed such member determines is appropriate grounds for removal of such member from the planning commission.

(Ord. of 4-18-2005)

Sec. 2-279. - Election of chairman; duties.

- (a) The planning commission shall elect from its members a chairman. This officer shall be elected for a term of one year and may be re-elected. Elections for such office shall be held at the regular meeting in January of each year.
- (b) The chairman shall preside at all regular meetings of the planning commission and at all other meetings and public hearings as called by the planning commission. He shall call special meetings of the planning commission in accordance with provisions of this article. He shall sign all documents authorized by the planning commission and transmit reports, plans and recommendations of the planning commission to the appropriate governing authority, and, in general, act as spokesman for the planning commission. He may also appoint committees, and the chairs thereof, as the chairman determines may be necessary to perform the tasks of the planning commission.

(Ord. of 4-18-2005)

Sec. 2-280. - Election of vice-chairman; duties.

- (a) The planning commission shall elect from its members a vice-chairman. This officer shall be elected for a term of one year and may be re-elected. Elections for such office shall be held at the regular meeting in January of each year.
- (b) The vice-chairman shall serve as chairman in the absence of the chairman. In the event of the resignation or disability of the chairman, or in the event of a vacancy in the chairmanship, the vice-chairman shall serve as chairman until a new chairman is elected by the planning commission membership to serve the remaining term of the chairman. He shall also serve as ex-officio member of all committees appointed by the chairman.

(Ord. of 4-18-2005)

Sec. 2-281. - Meetings; when held.

- (a) The regular monthly meeting of the planning commission shall be held at a date and time designated annually at the first meeting in January in the county administration building, or at such

other public location as the planning commission, by majority vote, may deem appropriate. At its meetings the planning commission shall consider all matters properly brought before it. A regular or called meeting may be canceled or re-scheduled by the planning commission at a prior meeting, or under special circumstances, such as the lack of agenda items for a particular meeting, may be cancelled or re-scheduled by the chairman, but the chairman shall give notice of such cancellation or re-scheduling as soon as practicable to the members of the planning commission and to the local legal organ by the most appropriate means available under the circumstances.

- (b) The chairman may call special meetings at any time for the consideration and determination of any questions or matters requiring immediate attention of the planning commission. The zoning and codes administrator shall give the members at least 24 hours advanced notice of each such special meeting.
- (c) Nothing in this section shall prevent the planning commission from amending its meeting schedule from time to time, or from having less than one meeting in any given month due to such reasons as the planning commission may deem proper.
- (d) All meetings of the planning commission shall be held in accord with the provisions of the Georgia Open Meetings Act.

(Ord. of 4-18-2005)

Sec. 2-282. - Quorum.

At any meeting of the planning commission a quorum shall consist of four members of the planning commission, except as otherwise provided herein. No action shall be taken in the absence of a quorum. If there exists a vacancy on the planning commission that has not yet been filled at the time of any meeting of the planning commission, a quorum of the planning commission shall be a majority of the commission members then actually serving on the commission.

(Ord. of 4-18-2005)

Sec. 2-283. - Voting on questions before the planning commission.

- (a) Each member of the planning commission, including the chairman and any other presiding officer, shall be a voting member. Each member shall vote upon each matter before the planning commission that is put to the membership for a vote, and there shall be no abstentions from voting on a matter, unless such member is disqualified from voting in accord with the provisions of this division. There shall be no absentee voting nor proxy voting. Voting shall be done by voice or show of hands. Any member shall be authorized to require that the ayes and nays be recorded in the minutes with respect to any particular vote. In the event that any member shall have a personal interest of any kind, whether financial or otherwise, in a matter before the planning commission, that member shall disclose his interest and be disqualified from either debating the matter at a planning commission meeting or voting upon the matter, and it shall be recorded in the minutes that no vote was cast by such member. Nothing herein shall prevent a member of the planning commission from presenting a matter to the planning commission where such member is the applicant in the matter before the planning commission so long as such status is disclosed by the member prior to the presentation of the matter to the planning commission, but such member

shall still refrain from voting on such matter. In the event a member does not disclose his interest in a matter prior to voting on that matter before the planning commission and the planning commission finds there was a personal interest, the planning commission may, by majority vote, refer the matter to the governing body which appointed such member for consideration by the governing body as to whether such member should be removed as a member of the planning commission. In all events, the members of the planning commission shall strive to comply with all relevant statues, rules, and regulations related to the ethical conduct of members of boards and commissions, including, but not limited to, the provisions of O.C.G.A. § 45-10-3.

- (b) The affirmative vote of a majority of those then serving on the planning commission shall be necessary for the recommendation of adoption of any amendment to the zoning ordinance, for approval of any recommendation on any other codes, ordinances or resolutions adopted by the planning commission, or for the approval of any other matter coming before the planning commission, unless specifically provided otherwise in this division. With respect to any matter before the planning commission where the planning commission has final authority to approve or disapprove an application or request, in the event that the planning commission does not act on the matter by either approving or rejecting the application or request within 60 calendar days of the date that the application was filed with the appropriate county planning department, then the application shall stand approved without further action by the planning commission. In computing such time period, the date of filing shall not be counted.

(Ord. of 4-18-2005)

Sec. 2-284. - Agenda.

- (a) As required by the Georgia Open Meetings Act, the planning commission shall conduct its meetings based upon an agenda of the items to be considered by the planning commission. Such agenda may be submitted to the members of the planning commission prior to or at the time of the planning commission meeting. Any member may make a motion to add any item to the agenda; and if there is a second to that motion, and if the motion is approved by a majority vote of the planning commission members then voting, the board may consider, discuss, debate, table or take final action as to such motion.
- (b) The agenda for each planning commission meeting shall be prepared by the county planning director, or his designee, and any member of the planning commission who desires to have an item placed on the agenda for consideration shall contact the planning director and advise him that such item should be placed upon the agenda at least 24 hours prior to the time of the planning commission meeting at which the planning commission member desires such item to be considered.
- (c) Upon completion of the preparation and printing of the agenda, it shall be considered a public record and shall be open for inspection by the public pursuant to the state open records law.

(Ord. of 4-18-2005)

Sec. 2-285. - Applications to the planning commission to be in writing.

All applications, petitions, or other requests to the commission from a citizen or an interested party

must be in writing and signed by the applicant or an agent of the applicant.

(Ord. of 4-18-2005)

Sec. 2-286. - Robert's Rules of Order adopted.

The meetings of the planning commission shall be governed by the provisions of this division and by the by-laws, if any, of the planning commission. In the event that a particular procedural issue is not addressed in this division or in the by-laws of the planning commission, then the planning commission shall be guided and governed by those parliamentary rules and regulations known as Robert's Rules of Order, Newly Revised, being adopted and made a part of this section as though fully set out in the section. In the event of a conflict between a county ordinance and Robert's Rules of Order, the county ordinance shall control.

(Ord. of 4-18-2005)

Sec. 2-287. - Planning department to maintain original applications.

The original of each application or request to be submitted to the planning commission shall be filed with the planning director, who shall note on the application the date and time of its submittal and the vote for or against the approval of the application or request. Such original applications and requests shall be retained by the planning department in a file maintained for such purposes. Minutes of all meetings of the planning commission shall be taken and prepared by the county planning director, or his designee, in accord with the Georgia Open Meeting Act. Such minutes shall be reviewed and approved, with such revisions as are approved by majority vote of the members of the planning commission, by majority vote at the next regular meeting of the planning commission.

(Ord. of 4-18-2005)

Sec. 2-288. - Compensation.

The members of the planning commission shall receive compensation for their services as planning commission members, as established from time to time, by the board of commissioners; provided; however, that the compensation, if any, of any one or more members of the planning commission may not be reduced during the term that such member or members is then serving.

(Ord. of 4-18-2005)

Sec. 2-289. - Bylaws.

The planning commission may establish bylaws and regulations for the governing of the commission. The planning commission shall have perpetual existence; provided, however, that nothing herein shall be construed to prohibit the board of commissioners from amending, revising, or repealing the provisions of this division should the board of commissioners deem it appropriate to do so.

(Ord. of 4-18-2005)

Sec. 2-290. - Joint contract.

The planning commission shall be authorized to commence its duties upon the appointment of all of the members thereof pursuant to section 2-278 hereof. The board of commissioners, the governing authority the City of Leesburg, and the governing authority of the City of Smithville shall enter into an intergovernmental contract which shall govern the establishment, funding, and duties of the planning

commission, and such contract shall be binding upon the planning commission to the fullest extent authorized by law. In the event that one or more of said cities do not adopt said intergovernmental contract, or in the event that one or more of said cities withdraw from said intergovernmental contract after its adoption, then this division shall continue in effect as to the governmental entity or entities which remain parties to such intergovernmental contract, and if no governmental entities remain a party to such intergovernmental contract, then this division shall remain in effect solely with respect to matters under the planning commission's jurisdiction which relate to property or issues located in the unincorporated areas of the county. Notwithstanding the foregoing, any governmental entity which withdraws from said intergovernmental contract shall not be authorized to appoint any members to the planning commission, the membership of any member of the planning commission appointed by such withdrawing local governmental entity shall be terminated and declared vacant as of the date of such withdrawal, and the board of commissioners of the county shall be authorized to appoint a member to fill the unexpired term of such member from persons residing in the unincorporated areas of the county.

(Ord. of 4-18-2005)

Sec. 2-291. - Effective date.

This division shall become effective upon its adoption by the governing body of the county, by the governing body of the City of Leesburg, and by the governing body of the City of Smithville. Notice of the adoption of this division by such cities shall be provided by the respective city clerks of such cities to the county planning director, and the effective date hereof shall be established as the latest date that this division was approved by such cities.

(Ord. of 4-18-2005)