

PLANNING AND ZONING COMMISSION

MEMBERS: 7

TERM: 5 Years

REGULAR MEETING INFORMATION:

WHEN: Thursday prior to Thursday after 2nd Tuesday, only when needed

WHERE: Superior Courtroom

TIME: 6:00 p.m.

AVERAGE LENGTH: 1 hour

SPECIAL MEETING INFORMATION:

WHEN:

WHERE:

TIME:

AVERAGE LENGTH:

MAJOR DUTIES/RESPONSIBILITIES:

- Approval or denial of zoning applications, as a recommendation to Sumter County Board of Commissioners.

SPECIAL SKILLS/ EXPERTISE/ INTERESTS:

- Members shall reside within Sumter County, GA
- None of the Planning Commission members shall hold any other public office, except that one member may also be a member of the Board of Appeals.

- The present zoning classification and the proposed zoning classification for the subject property.
- All applications shall be signed by the owners or authorized agent (authorization must be on file) and include the name and address, and daytime telephone number of the owner or authorized agent.
- The area of land proposed to be rezoned shall be stated in acres to the nearest hundredth of an acre.
- In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

SECTION 23.02 PLANNING COMMISSION

- A. **CREATED:** Pursuant to Article IX, section 2, paragraph 4 of the Constitution of Georgia of 1983 and also pursuant to the general, the Sumter County Planning Commission (hereinafter referred to as the "Planning Commission") is hereby created and established.
- B. **MEMBERSHIP AND APPOINTMENT:** The Planning Commission shall consist of seven (7) members residing within Sumter County, Georgia. None of the Planning Commission members shall hold any other public office, except that one member may also be a member of the Board of Appeals. Planning Commission members may be removed for cause, upon written charges, and after public hearing. Any member of the Planning Commission shall be disqualified to act upon a matter before the Planning Commission with respect to property in which the member has an interest.
- C. **QUORUM:** Four (4) members shall constitute a quorum for the transaction of business.
- D. **TERM OF OFFICE:** The term of the members shall be for five (5) years; except that in the appointment of the first Planning Commission pursuant to this article, four (4) of the members shall be appointed for three (3) year terms and three (3) members shall be appointed for five (5) year terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- E. **COMPENSATION:** The Planning Commission members shall receive no compensation for their service except that they may be reimbursed for out-of-pocket expenditures made in connection with their duties.
- F. **CHAIRMAN:** The Planning Commission shall elect one (1) of its members as chairman, who shall serve for one (1) year or until he is re-elected or until his successor is elected.
- G. **ADMINISTRATIVE ASSISTANCE:** The County Commission may provide such technical, administrative, and clerical assistance as is needed by the Board to carry out its function under the provisions of these regulations.

H. RULES OF PROCEDURES: The Planning Commission shall make its own rules of procedure and shall determine its time of meetings. All meetings of the Planning Commission at which official action shall be taken shall be open to the public and all records of the Planning Commission shall be public records and shall be kept in the custody of the County Clerk. The Planning Commission shall review each application in light of the county's comprehensive plan, the zoning criteria, and other facts presented at their meeting and issue a finding which recommends "approval" or "denial" of the application. The Zoning Administrator will prepare a report on each application to assist the Planning Commission in their decision making process. The Planning Commission finding shall be forwarded as a recommendation to the Board of Commissioners.

I. POWERS AND DUTIES: The Planning Commission is hereby vested with all the powers, duties and responsibilities provided by law.

SECTION 23.03 NOTICE OF PUBLIC HEARING

A. POSTING OF PROPERTY: Not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing on any application for a map amendment, and pursuant to state law, the Zoning Administrator shall erect at least one sign for every public road frontage the subject property has. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall show the application file number, the present zoning classification, the proposed zoning classification, the scheduled date, time and place of public hearing, and the telephone number to call for further information. If the land is sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each block. Each notification sign shall be maintained at all times by the Zoning Administrator until a decision has been made by the Board of Commissioners, the removed.

B. NEWSPAPER ADVERTISEMENT: Not less than fifteen (15) days nor more than forty-five (45) days prior to the scheduled date of the public hearing, and pursuant to state law, a notice of public hearing shall be published in the legal organ of the county. Such notice shall state the application file number, and shall contain a summary of the proposed amendment in the case of a text amendment, and the location of the property, its area, owner, the current zoning classification, and the proposed classification in the case of a map amendment.

SECTION 23.04 PUBLIC HEARING PROCESS

A. NOTICE TO INTERESTED PARTIES: A notice shall be delivered to the applicant and the Planning Commission, of the date, time, and place of hearing. All application files shall be placed in the custody of the Zoning Administrator and shall be open to public inspection during regular office hours.

B. HEARING PROCEDURE:

1. Upon the completion of a rezoning application or the draft of a text amendment, public hearings will be scheduled by the Planning Commission and the county commission respectively. The official public hearing required by state law will be held by the Board of Commissioners, and public notice will be given no less than fifteen (15) days nor more than forty-five (45) days prior to the official public hearing date.
2. All public hearings on zoning matters shall be placed on the presiding commission's agenda under a section entitled "Public Hearings." After an initial presentation of a specific zoning request to the presiding commission by the designated county staff, citizen comments will be heard in an orderly fashion. The presiding commission's chairman or designated representative will ask for those citizens speaking in favor of the request first, followed by those opposed to the issue.
3. Citizens shall be requested to keep their comments as brief as possible so all who wish to be heard will have adequate opportunity to speak. When there is a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke time limitations on individual speakers; however, the time limitation is not to be less than ten (10) minutes per side. In such cases, these time limits shall apply to all speakers.
4. Citizens shall address their comments to the presiding commission as a whole. Attacks on individuals or cross examination of commission members, county employees, or other citizens will be ruled out of order.
5. After all citizen comments have been received, further discussion of the specific application is reserved for the presiding commission. The commission has the privilege to ask any questions of staff or any citizen present for clarification.
6. If the Planning Commission is presiding over the hearing members may then vote on the application for a map or text amendment and forward the recommendation to the Board of Commissioners.
7. At the official public hearing in front of the Board of Commissioners, the Board of Commissioners can close the public hearing and vote on the application at the next regular voting session.

C. INFORMATION ON SPEAKERS: All speakers will be required to provide their name and address for the public record, and sign a campaign disclosure form. This form requires all those speaking in favor of, or in opposition to a rezoning to disclose whether they have made campaign contributions aggregating \$250.00 or more to any member of the Board of Commissioners within the past two (2) years. Such disclosure shall include the name of the commissioner(s), the dollar amount, description, and date of each such campaign contribution.

D. PUBLIC HEARINGS RECORDS STANDARDS:

1. The Planning Commission secretary and county clerk shall mechanically record the proceedings of their respective public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party.
2. Recorded tapes of public hearings shall be kept secure and shall not be erased for one (1) year from the date of the public hearing.
3. A summary of the proceedings of each meeting will be made available to the public within two (2) working days after the meeting.
4. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

SECTION 23.05 STANDARDS FOR EXERCISE OF ZONING POWERS

In order to provide for the public health, safety, morality, and general welfare of the citizens of the county, the following zoning criteria are established. The following criteria, the recommendation of the Planning Commission and any other factors relevant to balancing the public interest, shall be considered by the Board of Commissioners in making any zoning decision.

- A. Will the zoning proposal permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property?
- B. What is the effect on the property value of the subject property should the existing zoning be retained?
- C. If denied, will the effect on the applicant's property value under the existing zoning be offset by the gain to the health, safety, morals or general welfare of the public?
- D. Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the area in the vicinity of the property?
- E. Will the zoning proposal result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, schools, police protection, fire protection, public health facilities, or emergency medical services?
- F. Is the zoning proposal in conformity with the policy and intent of the future land use plan for the physical development of the area?
- G. Is the subject property well suited for the proposed zoning purpose?
- H. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
- I. Does the subject property have a reasonable economic use as currently zoned?

- J. Are there other existing or changing conditions affecting the use or development of the subject property which give supporting grounds for either approval or disapproval of the zoning proposal?
- K. Would the change create an isolated district unrelated to the surrounding district, such as "spot zoning"?
- L. Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?
- M. Is the change requested out of scale with the needs of the county as a whole or the immediate neighborhood?
- N. Is it impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned?
- O. Would there be an ecological or pollution resulting from the proposed zoning if it is granted?

SECTION 23.06 BOARD OF APPEALS

A. MEMBERSHIP

1. MEMBERSHIP AND APPOINTMENT: The Sumter County Board of Zoning Appeals hereinafter referred to as the "Board" shall consist of five (5) members residing within Sumter County, Georgia. None of the Board members shall hold any other public office, except that one member may also be a member of the Planning Commission. Board members may be removed for cause, upon written charges, and after public hearing. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.
2. TERM OF OFFICE: The term of office for each member of the Board shall be for five (5) years; however, in the appointment of the first Board, three (3) of the members shall be appointed for three (3) years and two for five (5) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If one appointee is from the Planning Commission and he ceases to be a member of said Planning Commission during the term of his appointment to the Board, his membership on the Board shall terminate and the governing authority may name a member of said Planning Commission to fill the unexpired term of its original appointee.
3. COMPENSATION: The Board members shall receive no compensation for their service except that they may be reimbursed for out-of-pocket expenditures made in connection with their duties.