

CHAPTER NINE – BOARDS AND AGENCIES

9-1 Generally

The departments, committees, boards, and Commissions described in Chapter 9 are established for the purpose of implementing the provisions of the LDC. The departments, committees, boards, and Commissions described in this chapter shall have the powers and duties described necessary to achieve the purpose of this LDC.

9-2 Douglas-Coffee County Planning Commission

The City of Douglas-Coffee County Planning Commission is an established body whose structure, authority and responsibility has been fully set out herein.

9-3 Membership

(a) The Planning Commission shall consist of seven members. Four of the members shall be residents or business owners of the City of Douglas, appointed by the board of commissioners of the city; and three of the members shall be residents of Coffee County, appointed by the board of commissioners of the county. The terms of the members shall be for four years.

(b) Any vacancy in county appointed membership shall be filled for the unexpired term by the board of commissioners, which shall also have the authority to remove any county-appointed member for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

9-4 Organization; rules; staff; finances

The Planning Commission shall elect its chairman from among its members. The term of the chairman shall be one year with eligibility for reelection. The Planning Commission shall appoint a secretary, who may be an officer or employee of the city or the county. The Planning Commission shall make its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken shall be open to the public, and all records of the Planning Commission shall be a public record. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state Planning Commission and city planners and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authorities of the city and the county.

9-5 Powers and duties.

From and after the time when the Planning Commission shall have organized and selected its officers, and shall have adopted its rules of procedure, the Planning Commission shall have all the powers, duties and responsibilities set forth in the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

a. Authority, Officers, and Meetings

1. The Planning Commission shall be an advisory board to the County Commission and to the County administration in performing the duties and responsibilities as described in Section c. below.
2. The Planning Commission shall elect a chairperson and vice-chair from among its members. The term of the chairman shall be one year with eligibility for re-election. The Chairperson shall preside at all meetings of the Planning Commission and other meetings and public hearings called by the Commission. The Chairperson shall call special meetings when required, transmit reports, plans and recommendations to the appropriate governing authority, and in general act as spokesperson for the Planning Commission. In the absence of the chairperson, the vice-chairperson shall act as chair.
3. The regular meeting shall be held on the 3rd Thursday of each month at 6:00 p.m. at a place designated by the Planning Commission.
4. A quorum shall consist of four (4) members.
5. The order of business at all meetings shall generally be as follows:
 - i. Call to order
 - ii. Invocation
 - iii. Roll Call
 - iv. Approve minutes of previous meetings
 - v. Reports of Committees and Staff
 - vi. Old Business
 - vii. New Business
 - viii. Adjournment
6. All meetings of the Planning Commission shall be open to the Public in compliance with the Georgia Open Meetings Act of 1999 and all records of the Planning Commission shall be public records.

b. Duties and Responsibilities

The Planning Commission shall:

1. Make recommendations to the County Commission regarding proposed amendments to the Joint Coffee County- City of Douglas Comprehensive Plan;
2. Make Recommendations to the County Commission regarding proposed amendments to the text of the Coffee County Land Development Code;
3. Make recommendations to the County Commission regarding proposed amendments to the Character Area Maps of the Joint Coffee County – City of Douglas Comprehensive Plan;
4. Make recommendations to the County Commission regarding proposed amendments to the County Zoning Map in the form of zoning and rezoning;

5. Make recommendations to the County regarding proposed annexations into the City;
6. Consider and make recommendations regarding the proposed consistency of proposed developments with the various elements of the Joint Coffee County – City of Douglas Comprehensive Plan and the County Land Development Code. Properly submitted requests to the Planning Commission which have not received an official action from the Planning Commission within sixty (60) days of the Planning Commission meeting at which the application was heard, shall be considered forwarded to the County Commission with a recommendation of approval.
7. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment and maintenance of the comprehensive plan;
8. Make other recommendations to the County Commission and County administrative staff upon the request of either regarding zoning in the County and the regulation thereof by the County.
9. Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.
10. Have no more than three unexcused absences within a year. The Chair and City Staff shall be notified of the cause of absence. Failure to comply will result in a recommendation by the Planning Commission to the proper governing authority that the seat be vacated.
11. Changes may be made to the By-Laws by the affirmative vote of a majority of four members.

9-6 Board of Zoning Appeals

a. Membership/Residency

The Board of Appeals shall consist of three regular members, and two alternate members, appointed by the County Commission. The members shall serve for overlapping terms of three years. The Chair shall be elected by the Board from its membership. The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.

Members shall have been continuous residents, property owners or business owners within the County for not less than six months prior to appointment.

b. Appeals, Hearings, and Notice

It is the intention of this Chapter that all questions arising in connection with the interpretation and enforcement of this Code shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator, and that from the decision of the Board of Appeals, recourse shall be to the courts as provided by the law.

The procedures that govern any appeal sought by an aggrieved party are set out at Chapter 10 Section 10-24 of this LDC.

c. Duties and Responsibilities

The Board of Appeals shall have the following powers and duties:

Appeals

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other staff in the enforcement of this Code.

Variances

To authorize, upon appeal, in specific cases, a variance from the terms of this Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Code will in an individual case, result in unnecessary hardship, so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.

Criteria for Granting Variances

Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. The application of this Code to this particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Code, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Code.

Other Duties

To decide on other matters where a decision of the Board of Appeals may be specifically required by the provisions of this Code. In exercising these powers, the Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Superior Court.

d. Certiorari from Decisions

Any person aggrieved by any decision of the Board of Appeals shall have the right of certiorari to the Superior Court within thirty (30) days after the decision of the Board.