

18.3-8A *Membership of Cherokee County Municipal **Planning Commission***. There is hereby established a Cherokee County Municipal **Planning Commission** for the purposes of providing recommendations to the Board of **Commissioners** of Cherokee County concerning rezoning applications, zoning, land use and other recommendations to the Board of **Commissioners** of Cherokee County.

The Cherokee County Municipal **Planning Commission** shall consist of nine members. The Board of **Commissioners** of Cherokee County shall appoint seven of the members with each **Commissioner** having one appointment to run concurrently with the term of the person so appointing. In addition, two members shall be appointed by the Board of **Commissioners** of Cherokee County as a whole to serve at the pleasure of the **Commission**.

Two members of the Cherokee County Municipal **Planning Commission** shall consist of representatives of the City of Waleska and the City of Ball Ground. The City of Waleska and the City of Ball Ground shall appoint the respective members.

There is hereby established a Chairman of the Cherokee County Municipal **Planning Commission** to be appointed annually by the members of the Cherokee County Municipal **Planning Commission**. In addition, a vice-chair shall be designated by the members of the Cherokee County Municipal **Planning Commission**.

18.3-9 *Conduct of hearings*. The following policies and procedures shall govern the conduct of hearings under this article.

- a. The chairman shall open any hearing with an explanation of the purpose of the hearing and description of the general rules for the conduct of the hearing and the authority and role of the hearing body in any zoning decision. The order of cases may be altered at the discretion of the chairman. An individual requesting to be heard on a matter germane to the purpose of the hearing must be recognized by the chairman before addressing the body. The chairman shall chair the hearing and shall determine germaneness of any comment or presentation to the **planning commission** in the hearing and is authorized to rule any individual or a portion of any comment or presentation out of order. However, the chairman may pre-determine the length of any hearing allotting equal time to proponents and opponents of any proposed zoning amendment. To the extent that there are both proponents and opponents of any proposed zoning amendment and the fact that equal time is not in fact utilized by either position shall not invalidate any proceedings or action taken on the proposed amendment.
- b. The **planning commission** may determine that an application for zoning amendment was or was not properly filed or that the type of decision for which the application calls can or can not be heard by it. The chairman may make determinations as to whether proper public notice of the hearing was given and continue the case where it was not.
- c. The chairman shall allow the person initiating the proposed zoning amendment request or his/her designee to present a description of the proposed zoning amendment and the reason(s) for initiating the proposed zoning amendment. Materials or evidence which could have, but were not, filed with the application may be rejected and not admitted. All materials except those which are clearly for rebuttal purposes shall be submitted by the close of the presentation of the case in order to be considered.
- d. Speakers at the public hearing for or against the application may be required by the chairman to sign in, giving name, residential address, and telephone number, before being allowed to speak. Speakers may be allowed ten minutes for each presentation

of new evidence or information. Any person requesting to address the body upon being recognized by the chairman shall state his name, residence address and telephone number before proceeding with any comment, remarks or presentation. Any person addressing the body shall respond to questions of the chairman or members.

- e. Failure of the applicant or his agent(s) to be present at the public hearing constitutes abandonment and dismissal of the case unless the applicant shows just cause by reason of illness or health or other emergency within a reasonable time, in writing, and accompanied by new costs for readvertisement and hearing.
- f. Evidence or documents presented for consideration become part of the public file; however, substitutions of copies may be made where approved of by the chairman.
- g. The chairman may alternate the order of persons speaking to accommodate unusual situations. The chairman may divide presentations into blocks of time beginning with proponents and followed by opposition. The chairman may direct that proponents and opponents designate one or more spokesperson(s) for presentations of favorable and opposing views on the proposed zoning amendment.
- h. All materials or evidence which persons in opposition wish to be considered must be submitted by the conclusion of the opposition portion of the hearing.
- i. The chairman may poll the public assemblage at any hearing concerning their concurrence or opposition. However, upon the request of the applicant or a spokesman for the opposition, persons responding may be required to give written information as to name, residential address, and the county in which each resides. The count of those in favor and in opposition will be entered in the record of the hearing.
- j. Any remark amounting to attack on the character or personal integrity of another individual or comment not factually supportable or comment in the form of an emotional outburst shall be nongermane to the purpose of any hearing, may be ruled out of order, and may be disregarded.
- k. Upon conclusion of the presentation of persons opposing the proposed zoning amendment, the chairman shall afford the person initiating the petition an allotted time to address the body in rebuttal of any issue(s) raised by persons in opposition and the applicant may submit materials or evidence associated with rebuttal. The chairman may rule out of order the raising of any new issue(s) which are not clearly rebuttal unless the information was requested by a member of the hearing body. Where a new issue is allowed to be raised in rebuttal, a spokesman for persons opposing the proposed zoning amendment shall be allocated an equal amount of time to address such new issue(s). The applicant does not thereafter have additional rebuttal time except in the discretion of the chairman.
- l. When proponents and opponents of the proposed zoning amendment request have been heard in accordance with the foregoing procedures, the public hearing is closed and no further evidence or testimony may be presented unless either the record is left open based on a request for additional material or report, or questions are asked of the applicant or opposition, in which case both sides shall be entitled to response but there is no right of rebuttal.

18.3-10 ***Planning commission action.***

- a. The **planning commission** may recommend approval, approval with conditions, or denial of the proposed zoning amendment. If a decision is not reached, the matter continues to be tabled for consideration until a vote carries. A report or minutes of

the **planning commission's** recommendation accompanying a summary of the proceedings of the hearing shall be submitted to the board of **commissioners**. The **planning commission** shall include recommendations for conditions or limitation on uses appropriate to ameliorate the impact on the surrounding area. Where the applicant does not agree to such conditions or limitation on uses, the recommendation shall be interpreted as a recommendation for denial unless the conditions or limitations are accepted by the applicant. If

the **planning commission** fails to recommend action on the application within 65 days and the applicant does not agree to a waiver of this time limit, the applicant may take it to the board of **commissioners** without a **planning commission** recommendation.

- b. In carrying out its responsibilities in reviewing and taking action on an application, the **planning commission** may adopt rules and regulations for the conduct of public hearings and meetings as are consistent with state and county law and appropriate to its responsibilities. Robert's Rules of Order may be used as a procedural guide in the absence of a rule or regulation.
- c. The **planning commission** shall consider any proposed zoning amendment properly initiated in light of the factors set forth in this article and in light of the purposes for the district affected or considered. In evaluating the factors, the policy and intent of the Cherokee County Land Use **Plan** shall be considered. It is further the policy of the Cherokee County **Planning** and Zoning **Commission** to exercise the zoning power for purposes of assuring the compatibility of use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties and the county's tax base while enabling a reasonable use of all property.
- d. The decision of the **planning commission** is advisory only.