

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE O-2024-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON, GEORGIA, CHAPTER 3, “ADMINISTRATION,” ARTICLE VIII, “BOARDS AND COMMISSIONS” TO ADOPT A NEW SECTION 3-801, “PLANNING AND ZONING COMMISSION”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The City of Hoschton desires to establish a Planning and Zoning Commission and provide for its composition, membership, functions, and meetings; and

Now, therefore, Council of the City of Hoschton hereby ordains as follows:

Section 1.

The Code of Ordinances of the City of Hoschton, Georgia, Chapter 3, “Administration,” Article VIII, “Boards and Commissions,” is amended to add a new Section 3-801, “Planning and Zoning Commission” as follows:

“Section 3-801 Planning and Zoning Commission

1. Establishment. The Mayor and City Council recognize that City business is best conducted by reliance on citizen involvement through the use of advisory committees. Accordingly, a Planning and Zoning Commission for the City of Hoschton is hereby established as provided in this section.

2. Appointment and Qualifications. Members of the Planning and Zoning Commission shall be appointed by City Council and shall serve at the pleasure of the City Council. The Commission shall be comprised of five (5) members. All members of the Commission shall be residents of the City of Hoschton.

3. Term. Initially, the Council shall appoint one member for a one-year term, two members for two-year terms, and two members for three-year terms. After the expiration of the initial terms, the term of office for each member shall be three years.

4. Removal. The City Council may remove any member by majority vote at a regularly scheduled City Council meeting.

5. Vacancies. Vacancies occurring prior to expiration of a term shall be filled by appointment for the unexpired portion of the term.

6. Conflict of Interest. Any member of the Planning Commission who has a property interest in any real property affected by a rezoning action to be considered by the Hoschton City Council, or has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action to be considered by the Hoschton City Council, or who has a family member with such a real property interest or financial interest in a business entity, pursuant to O.C.G.A. 36-67A-2, shall immediately disclose the nature and extent of such interest, in writing, to the Hoschton City Council. The planning commissioner who has an interest as defined in this paragraph shall disqualify himself from voting on the rezoning action. The disqualified planning commissioner shall not take any other action on behalf of himself or herself or any other person to influence action on the application for rezoning. The disclosures provided for in this paragraph shall be a public record and available for public inspection at any time during normal working hours. A member of the Commission may raise the question of conflict of interest of another member regarding a specific issue that is before the Commission. A majority vote of those planning commissioners without such conflict shall determine if such conflict does exist.

8. Officers and Duties.

A. Chairperson. The members of the Planning Commission shall annually elect a chairperson. His/her term of office shall be one year but renewable without restriction. The chairperson shall decide all points of order and procedures. The chairperson may make motions and vote in all matters that come before the Commission.

B. Vice-Chairperson. The members of the Planning Commission shall annually elect a vice-chairperson. His/her term of office shall be for one year but renewable without restriction. The vice chairperson shall serve as acting chairperson in the absence of the chairperson. When acting as chairperson, the vice-chairperson shall have the same powers and duties as the chairperson.

C. Minutes. The commission shall keep records, including an agenda and minutes of every meeting. Meeting minutes shall indicate all votes taken by the members and those members who are in attendance and who are absent from the meeting.

9. Compensation, Quorum, Meetings and Duties.

A. Compensation. The members of the Planning Commission shall not be compensated for their services, but shall be reimbursed for any training and travel expenses approved by City Council.

B. Quorum. A majority of the Commission (three members) shall constitute a quorum for purposes of conducting business.

C. Meetings. The commission shall hold regular meetings once a month on a date of the week and at a time and place approved by the city; provided, however, that the commission shall not be required to meet if there is no business to conduct. Whenever there is no business for the Planning Commission, the city shall notify members at least 48 hours prior to the scheduled meeting that the upcoming regularly scheduled meeting has been canceled. The chair may call a special meeting of the commission, subject to compliance with applicable open meeting laws.

D. Duties. It shall be the duty of the commission to provide recommendations to the City Council regarding the adoption and implementation of the City's comprehensive plan and to serve in those roles assigned to it by the Hoshton zoning ordinance and the subdivision and land development ordinance of the city, as well as any other ordinance that assigns functions to the commission."

Section 2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4.

The ordinance shall become effective immediately upon its adoption.

Adopted this 30th day of April, 2024.

Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoshton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

Ordinance O-24-02 Planning Commission

ATTEST:

Jennifer Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

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