

Chapter 22

ZONING*

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***Cross references--**Administration, Ch. 2; buildings, construction and related activities, Ch. 5; floodplain regulations, Ch. 8; historic preservation, Ch. 9; streets and sidewalks, Ch. 16; subdivisions, Ch. 17; taxation, revenue and miscellaneous business regulations, Ch. 18; trees and landscaping, Ch. 20.

State law references--City's authority to adopt plans and exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

Section 22-375A ARTICLE XII. THOMASVILLE PLANNING AND ZONING COMMISSION*

***State law reference--**Authority to exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4.

Section 22-376 Created.

In order to guide and accomplish coordinated and harmonious development of the municipality and county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Thomasville Planning and Zoning Commission, referred to throughout this division as the planning and zoning commission, is hereby created and established.

(Code 1958, § 2-26; Ord. of 8-12-91, § II)

Section 22-377 Composition; appointment of members.

The Thomasville Planning and Zoning Commission shall consist of nine (9) members appointed by the city council. The seven (7) city appointees to the former city-county planning commission shall continue to serve on the new Thomasville Planning and Zoning Commission until the ends of their present terms. Thereafter the terms of all members shall be as set forth in section 22-378. Attendance by five (5) members at any regular or specially scheduled meeting of the Thomasville Planning and Zoning Commission shall constitute a quorum.

(Code 1958, § 2-27; Ord. of 8-12-91, § III(2-27))

Section 22-378 Terms, removal and compensation of members; vacancies.

The two (2) new members of the new Thomasville Planning and Zoning Commission named concurrently with the adoption of this ordinance shall serve until December 31, 1993. Thereafter the terms for members appointed to those two positions shall be four (4) years, and the terms of all other members of the Thomasville Planning and Zoning Commission shall be four (4) years. Any vacancy in membership shall be filled for the unexpired term by the city council, which shall also have the authority to remove any member for cause, on written charges, after a public hearing. Each member of the Thomasville Planning and Zoning Commission shall be paid per diem compensation of forty dollars (\$40.00) for each day during which such member attends public hearings held by such board on planning and zoning matters.

(Code 1958, § 2-28; Ord of 8-12-91, IV(2-28))

Section 22-379 Officers; rules of procedure; meetings and records to be public.

The planning and zoning commission shall elect its chairman from among its members. The term of the chairman shall be one (1) year with eligibility for reelection. The commission shall appoint a secretary who may be an officer or employee of the municipality or the county. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning and zoning commission at which official action is taken shall be open to the public and all records of the commission shall be public records.

(Code 1958, § 2-29)

Section 22-380 Reserved.

Editor's note--An ordinance adopted Aug. 12, 1991, § V(2-30), repealed provisions formerly set out as § 22-380 of the Code, which pertained to powers and duties of the planning and zoning commission and derived from the 1958 Code, § 2-30.

Section 22-381 Employees and staff; contracts; expenditures.

The planning and zoning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and with city planners and other consultants for such services as it may require. The expenditures of the planning and zoning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authorities of the city and the county.

(Code 1958, § 2-31)

Section 22-382 Public hearing on conditional uses.

(a) The planning and zoning commission shall hear and recommend after a public hearing conditional uses as authorized by section 22-106(c), schedule of permitted uses, or section 22-84, conditional uses, historic district. The application to establish use shall be approved on a finding by the city council that:

- (1) The proposed use will not be contrary to the purpose of this article.
- (2) The proposed use will not be detrimental to the use of development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and

workers.

- (3) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement noise or fumes generation, or type of physical activity.
- (4) The proposed use will not be affected adversely by the existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
- (5) The parking and all development standards set forth for each particular use for which a permit may be granted have been met.

(b) The city council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood, provided that whenever the city council shall find, in the case of any permit granted pursuant to the provisions of this article that any term, conditions or restrictions upon which such permit was granted are not being complied with, the council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(Code 1958, § 24-20; Ord. of 3-22-76)

Section 22-383 22-383--22-400. Reserved.