

**LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2023- 20**

AN ORDINANCE TO AMEND APPENDIX B OF THE LAMAR COUNTY, GEORGIA, CODE OF ORDINANCES ENTITLED “PLANNING COMMISSION”; TO CREATE A NEW APPENDIX B TO BE ENTITLED “JOINT PLANNING COMMISSION”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA;**

SECTION 1. Code Sections Amended. Appendix B of the Lamar County Code of Ordinances entitled *Planning Commission* is hereby amended by deleting said Appendix B and all articles and sections thereunder in their entirety and inserting in lieu thereof a new Appendix B to be entitled *Joint Planning Commission* and articles and sections thereunder to read as follows:

APPENDIX B: JOINT PLANNING COMMISSION

ARTICLE 1. GENERAL

Sec. 101. Scope.

This appendix to the zoning ordinance provides for the following:

- A. Establishes the Joint Planning Commission.
- B. Sets regulations for membership, appointments, terms of office, and compensation of members.
- C. Sets rules and procedures for operation.
- D. Defines the powers of the Joint Planning Commission.
- E. Repeals conflicting ordinances.

Sec. 102. Joint planning commission established.

This ordinance establishes the Joint Planning Commission. The Zoning Procedures Law (O.C.G.A. § 36-66-1, enacted by Ga. L. 1985, P.1139, § 1.), paragraph 2-(b)-1 authorizes such administrative officers, bodies, and agencies as the Board of Commissioners of Lamar County may establish for the efficient exercise of its zoning powers.

Sec. 103. Purpose and powers.

The purpose of the Joint planning commission is as follows:

- A. Advise the governing authorities of Lamar County, Barnesville and Milner on the following applications:

- a. Amendments to the zoning ordinances;
- b. Special exceptions;
- c. Variances; and
- d. Conditional Uses.

by examining amendment applications and providing written recommendations with reasons for the recommendations to the Board of Commissioners as specified in the zoning ordinance.

- B. Advise the Board of Commissioners on applications to re-establish non-conforming uses that have been discontinued for twelve (12) continuous months.
- C. Dispense general information about this ordinance to the public upon request.
- D. Propose amendments to this ordinance.
- E. Maintain and update the Lamar County Land Use Plan so that it may provide a current data base with which decisions on proposed amendments to this ordinance may be made that utilize sound planning principles.
- F. Carry out an ongoing comprehensive planning program which, like the land use plan, will provide current data on which decisions regarding this ordinance may be based that utilize sound planning principles.
- G. Advise the Lamar County Board of Commissioners, Milner City Council, and the Barnesville City Council on matters of zoning and annexation, as appropriate.
- H. Recommend approval, denial, or conditions to applications of Major Subdivisions in accordance with the Lamar County Development Ordinance.
- I. Any other duty as requested by the City of Milner, the City of Barnesville, or Lamar County.

ARTICLE 2. MEMBERSHIP AND APPOINTMENTS

Sec. 201. Membership.

The Joint planning commission shall consist of seven (7) members as follows: Two (2) of the members shall be appointed by the City of Barnesville. Two (2) of the members shall be appointed by the City of Milner. Three (3) of the members shall be appointed by Lamar County. Each appointee must be a resident of the city appointing them or, in the case of Lamar County, reside in unincorporated Lamar County.

Sec. 202. Terms.

The terms of the members shall be four (4) years, with staggered terms such that no more than four (4) members' terms will expire in the same year. For the first terms of appointments one (1) member appointed by the City of Barnesville, one (1) member appointed by the City of Milner, and one (1) member appointed by the Lamar County Board of Commissioners will serve a two-year term.

Sec. 203. Vacancies; removal of members.

Any vacancy in membership shall be filled for the unexpired term by the applicable governing authority. Each governing authority shall have the authority to remove its, and only its, respective appointees for cause, including moving outside of the jurisdiction of the appointing entity. Each appointee shall have the right to be heard at a hearing before the governing authority before removal after adequate notice of the cause is given to the appointee.

Sec. 204. Compensation.

All members shall serve with compensation as set by the governing authorities, and may, with the approval of their governing authority, be reimbursed for actual expenses incurred in connection with their official duties.

Sec. 205. Meetings.

The Joint planning commission shall have a regularly scheduled meeting to accommodate the needs of the citizens of the county. These meetings shall be held on the day of the week and time determined by the majority of the Joint planning commission to best fit their schedules while meeting the needs of the public. The Joint planning commission may also meet on such other dates as is determined necessary when, in the discretion of the chairman, the vice-chairman serving in the chairman's absence, or a majority of the members, there is a need to consider regular business or other special matters.

ARTICLE 3. RULES AND PROCEDURES

Sec. 301. Rules and procedures.

- A. The Joint planning commission will elect one (1) of its members as chairman for a one (1) year term. At the end of that term a new election must be held for a replacement or a continuation of service.
- B. The Joint planning commission will appoint a secretary, who may be an employee of Lamar County or a Joint planning commission member.
- C. The Joint planning commission has the authority to adopt rules of procedure in keeping with the requirements of this ordinance.
- D. The chairman or the acting chairman may administer oaths and compel the attendance of witnesses by subpoena. The Joint planning commission must keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such a fact. The Joint planning commission must also keep records of its examinations and other official actions, all of which must be immediately filed in the office of the zoning administrator and will be public record.
- E. A decision of the Joint planning commission must be recorded in the minutes for the meeting at which the decision was made and must contain a statement of the grounds of its decision or action. The full text of the decision must be sent to the applicant.
- F. No application requesting the same action for the same property will be received or heard by the Joint planning commission twice within the same twelve (12) month period. However, that limitation does not affect the right of the Joint planning commission to grant a rehearing as provided in the rules and procedures adopted by the Joint planning commission.

Sec. 302. Appeals.

If the Joint planning commission executes an action that the developer or other aggrieved party believes to be contrary to law, that action may be appealed to the Lamar County Superior Court. Findings of fact, however, may not be appealed. Such an appeal must be filed in writing and delivered to the zoning administrator within thirty (30) days of the date on which the action by the Joint planning commission was taken.

ARTICLE 4. LEGAL REQUIREMENTS

Sec. 401. Conflict with other ordinances.

Portions of other ordinances that conflict with portions of this ordinance are repealed. Non-conflicting parts of those ordinances remain in effect.

Sec. 402. Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the ordinance as a whole nor any part of it, other than the part that was declared to be unconstitutional or invalid by the court.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

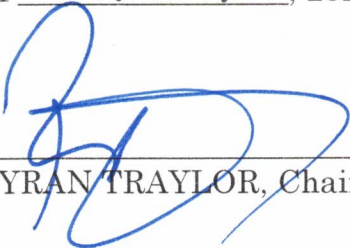
B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.


SO ORDAINED, this 14th day of December, 2023.



RYRAN TRAYLOR, Chairman



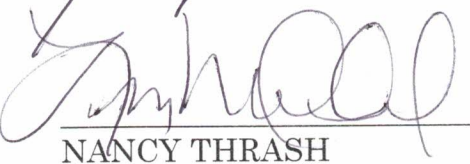
JARROD FLETCHER



ASHLEY GILLES




JASON LOVETT



NANCY THRASH

ATTEST:



Carlette Davidson, County Clerk

(SEAL)

First Reading: 11-14-23

Second Reading/
Adoption: 12-15-23