

# BRUNSWICK PLANNING & APPEALS COMMISSION (PAC)

## Rules of Procedure

### I. PURPOSE

To establish procedures for selection of Planning & Appeals Commission (PAC) officers, for conduct of meetings and other business of the Board, and for processing applications for planning and appeals actions for: (1) recommendations on Comprehensive Plan; (2) recommendations on annexation, rezoning, and Special Use applications; (3) recommendations on Zoning text amendments; (4) initiation of rezoning applications and text amendments; (5) decisions on variances; (6) decisions on administrative appeals; and (7) other powers assigned to it by the governing body, explicitly assigned by the Zoning Code, or reasonably implied by the Code.

### GENERAL RULES

The Brunswick PAC shall be governed by the terms of the Brunswick PAC Ordinance as contained in the Code of Ordinances for the City of Brunswick and by the terms of Georgia Code as they may be amended or revised. The PAC is an appointed body that has no political affiliation or connection. The PAC shall complete its purpose free of political influences.

### IV. MEMBERS, OFFICERS, AND DUTIES

- A. *General.* The PAC shall be composed of five (5) members and two (2) alternates, who shall have demonstrated special experience or knowledge in the fields of planning, land development, historic preservation, architectural design, landscape architecture, building construction, real estate, or a similar profession.
- B. *Chairman Chairperson.* A chairman chairperson shall be elected by the voting entire members of the PAC to include the alternates. The term of office shall be for one year, and no more than two consecutive terms. The chairman chairperson shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the PAC in session at the time. The chairman chairperson shall appoint any committees found necessary to investigate any matters before the PAC. Nomination shall be in May. Election shall take place in June. Term starts July.
- C. *Vice-Chairman Chairperson.* A vice-chairman chairperson shall be elected by the PAC from among its members in the same manner as the chairman chairperson and shall be eligible for re-election for one term. The vice-chairman shall serve as acting chairman chairperson in the absence of the chairman chairperson, and at such times shall have the same powers and duties as the chairman chairperson. Nomination shall be in May. Election shall take place in June. Term starts July.
- C. *Alternates.* Alternates to the PAC shall be considered PAC members. Alternates may participate in all discussion on planning and zoning matters brought before the PAC and

shall vote in the absence of regular members. The Alternate shall have the right to vote only when s/he is designated by the ~~Chairman~~ **Chairperson** to replace a regular member for a specific reason and only for a specific meeting date. Alternates shall be chosen in order of arrival at the PAC meeting in question. If the seat of a regular member is vacated prior to the completion of his/her term, an Alternate member may be appointed to a regular seat for the duration of the vacated members' term.

- D. *Secretary.* The Director of the Planning, Development & Codes Department or his or her designee shall sever as Secretary for the PAC. The secretary shall keep all records, shall conduct all correspondence of the PAC, and shall generally supervise the clerical work of the Board. The secretary shall not be eligible to vote upon any matter.
- E. *Elections.* Terms for officers shall be July 1st - June 30th. Members shall be notified in writing of the election of officers at least thirty (30) days prior to the July meeting.
- F. *Terms of Appointments.* Terms of appointment for PAC members shall be three years from date of appointment ~~except in the initial organization~~ of the PAC. Nomination shall be in May. Election shall take place in June. Term starts July.
- G. *Attendance at Meetings.* If a member of the PAC is absent for more than three (3) successive called or regular meetings or at six (6) such meetings in a calendar year, the governing body may remove the member from the PAC and the Mayor may appoint a replacement, with ratification by the governing body.
- H. *Applications Involving Members.* No PAC member shall take part in the hearing, consideration, or determination of any case in which the member has personal or financial interest.

## V. MEETINGS

- A. Regular meetings of the PAC shall be held on the second Wednesday of the month at ~~5:00~~ **5:15** p.m. in Old City Hall, provided that meetings may be held at some other convenient place and time if directed by the ~~chairman~~ **chairperson** in advance of the meeting.
- B. *Special Meetings.* Special meetings of the PAC may be called at any time by the ~~chairman~~ **chairperson**. At least twenty-four (24) hour notice of the time and place of special meetings shall be given, by the secretary or by the ~~chairman~~ **chairperson**, to each member of the PAC, provided that this requirement may be waived by action of a majority of all the members.
- C. *Cancellation of Meetings.* Whenever there is no business for the PAC, the ~~chairman~~ **chairperson** may dispense with a regular meeting by giving notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.
- D. *Quorum.* A quorum shall consist of three (3) members of the PAC.
- E. *Conduct of Meetings.* All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) reading; (h) Procedures may be modified by concurrence of all parties and the PAC itself.
- F. *Consideration of Applications:* Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications shall be as follows:
  - 1. The chairman, or such person as he or she shall direct, shall give a preliminary statement concerning the application;

2. Staff shall present the application with recommendations to the PAC considering the Zoning Code, Brunswick's Comprehensive Plan, and any other Ordinance applicable to the application;
3. The applicant shall present the arguments in support of his or her application;
3. Persons opposed to granting the application shall present arguments against the application and shall be granted 3-5 minutes each to speak, at the discretion of the chairman;
4. Statements of arguments submitted by any official, commission, or department of the City of Brunswick, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the ~~chairman~~ chairperson;
5. The ~~chairman~~ chairperson, or such person as he or she shall direct, shall summarize the evidence which has been presented giving all parties an opportunity to make objections or corrections;
6. The board shall thereafter proceed to deliberate whether to grant the application or to deny it;
7. Testimony shall be sworn unless all parties agree to waive the oath;
8. Procedures may be modified by concurrence of all parties and the PAC itself.

The PAC may, in its discretion, view the site from the public Right of Way and obtain additional facts concerning any application before arriving at a decision. All decisions of the PAC shall be supported by appropriate findings of fact, and, where necessary to effectuate the purposes of the ordinance, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the PAC shall not be limited to consideration of such evidence as would be admissible in a court of law.

- H. Vote.* The vote of a majority of those members present shall be sufficient to decide matters before the PAC, provided a quorum is present. No PAC member shall participate in the decision of any matter in which the member has a personal or financial interest.

## VI. APPLICATION PROCEDURES

- A. An application for a planning or zoning action shall be filed on an official application form with the Planning, Development & Codes Department at least ~~fifteen (15)~~ thirty (30) working days prior to the meeting at which the application can be considered for ~~approval~~ recommendation in which reference to chapter 23 and any other related chapters applicable to their application in the amenable code of the City of Brunswick. ~~;~~ accompanied by sketches, drawings, photographs, specifications, descriptions, etc., of the proposed project.
- B. All information called for in the application shall be furnished by the applicant as prescribed in the Code.

The City of Brunswick department of Planning and Zoning Staff shall post a sign, ~~to be furnished by staff~~, on the premises of the structure for which the planning or

zoning action is requested, at least ~~ten (10) days prior to any public hearing~~ **at least 15 days but not more than 45 days prior to the public hearing**. The applicant shall not remove the sign until a decision on the application has been rendered by the PAC.

- C. The applicant and affected property owners shall be given an opportunity to be heard at the public meeting at which the application is presented.
- D. The PAC must make a recommendation or decision on planning and zoning actions within ~~forty-five (45) days~~ **sixty-five (65) calendar** days from the date of its public hearing within which to submit its recommendation on the rezoning or conditional use permit application after the filing of the completed application, except when the time limit has been extended by mutual agreement between the applicant and the PAC.
- E. After a recommendation is made, the secretary for the PAC shall transmit the decision, in writing, to the governing body, clearly describing the recommendation. The secretary shall attach a copy of the minutes of the meeting at which approval was granted.
- G. When a decision is made on a Variance application, a copy of the minutes of the meeting and written reasons for approval or denial shall be transmitted to the applicant.

## VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three-fourths (3/4) of the members of the PAC, provided that such amendments shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

**Adopted by Brunswick Planning & Appeals Commission: July 11, 2018 (witnessed blwd)**  
**Recommended Revision by Dave Bowers and Deloris Harrison Commissioners of PAC**  
**June 15, 2023**

### ***DIVISION 3. PLANNING AND APPEALS COMMISSION***

#### **Sec. 2-327. Establishment and continuation.**

The Brunswick Planning and Appeals Commission (PAC), shall be formed for the purpose of advising the governing body and making recommendations to the mayor and city council as well as hearing requests for variances with strict adherence to specific factors outlined in ~~article V of this Code~~ section 2-331 and section 2-332. The planning and appeals commission shall consist of five members and two alternates, who shall be residents of the City of Brunswick.

(Ord. No. 1055, § 1, 3-21-2018)

#### **Sec. 2-328. Appointments, terms of office and vacancies.**

The planning and appeals commission shall be appointed and composed in the following manner:

- (1) ~~Members, including the chairperson,~~ shall be appointed by the city commission to serve three-year terms, beginning on ~~December~~ **July 1** of the fiscal ~~calendar~~ year or as otherwise appointed. Members may serve for a maximum of two consecutive three-year terms. No member shall be reappointed to the commission for a one-year period following the completion of the two consecutive term limits.
- (2) The initial members of the commission shall be appointed for staggered terms as follows: One member shall serve an initial one-year term; Two members shall serve an initial term of two years; and the remaining two members shall serve an initial term of three years. The initial one- and two-year terms shall not count against the term limit set forth in paragraph (1) above. When a position becomes vacant before the end of a term, the city commission shall appoint a new member for the duration of the term remaining. A member of the commission may be appointed to successive terms and shall continue to serve if their time expires until a successor is appointed.

(Ord. No. 1055, § 1, 3-21-2018)

#### **Sec. 2-329. Removal.**

A member may be removed from the commission by a majority vote of the city commission for cause, for absenteeism at three successive called or regular meetings or absenteeism at six such meetings in a calendar year, or for other reasons the city commission may deem appropriate.

(Ord. No. 1055, § 1, 3-21-2018)

#### **Sec. 2-330. Qualifications of members.**

In addition to being residents of the city, the city commission in its appointment of members to the commission shall be bound by the following:

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- (1) Members of the commission shall have experience or knowledge in the fields of planning, land development, historic preservation, architectural design, landscape architecture, building construction, real estate or a similar profession;
  - (2) The chairperson shall be a community leader who has demonstrated the ability to conduct meetings, organize debate and to act in the public interest of the city as a whole;
  - (3) Within one year of initial appointment to the commission, the new member shall attend the community planning institute or comparable training as determined by the director of planning, development and codes;

The city commission shall make the sole determination as to the qualifications of any person in meeting the requirements for membership on the commission.

(Ord. No. 1055, § 1, 3-21-2018)

### **Sec. 2-331. Officers.**

The chairman ~~chairperson~~, as appointed by the city commission, shall preside over meetings when present. The commission shall elect a vice chairperson from among its members, who shall serve for one year or until re-elected or until his or her successor is elected. The vice chairperson shall preside at meetings in the absence of the chairperson. ~~vice chairman~~ chairperson, three members, and two alternates.

(Ord. No. 1055, § 1, 3-21-2018)

### **Sec. 2-332. Bylaws and rules of procedure.**

The commission ~~may~~ shall adopt such by-laws, rules or procedures as appropriate and not in conflict with this Code, the Zoning Procedures Act, or policies adopted by the city commission.

(Ord. No. 1055, § 1, 3-21-2018)

### **Sec. 2-333. Meetings.**

The commission shall meet each month in accordance with the schedule of meeting dates and times approved by the city commission so adopted. Other meetings of the commission shall be held at the call of the ~~director~~ any member if there is business to be brought before it, or at such other times as the commission may determine. All meetings of the commission shall be open to the public.

(Ord. No. 1055, § 1, 3-21-2018)

### **Sec. 2-334. Quorum.**

A total of three commission members present shall constitute a quorum. A majority vote of the quorum shall be necessary to approve any decision or recommendation.

(Ord. No. 1055, § 1, 3-21-2018)

### **Sec. 2-335. Voting.**

All commission members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.

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(Ord. No. 1055, § 1, 3-21-2018)

**Sec. 2-336. Secretary and record of proceedings.**

The director of planning, development and codes or his or her designee shall serve as secretary to the commission. The secretary shall cause summary minutes of its proceedings to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of its examinations and other official actions to be kept in the form of tape recordings if possible, all of which shall be of public record.

(Ord. No. 1055, § 1, 3-21-2018)

**Sec. 2-337. Dissemination and posting of actions.**

The results of each commission meeting as to the actions and recommendations shall be forwarded by the director of planning, development and codes, or his or her designee to the City of Brunswick Board of Commissioners-Clerk.

(Ord. No. 1055, § 1, 3-21-2018)

**Sec. 2-338. Powers and duties.**

The commission shall have without limitation the following powers and duties:

- (1) *Recommendations on comprehensive plan.* Review the provisions of the city's Comprehensive Plan from time to time, and to make such recommendations to the governing body as it deems appropriate concerning its adoption or amendment.
- (2) *Recommendations on annexation, rezoning and special use applications.* Conduct a public hearing on each application for annexation, rezoning or special use approval, review the application in accordance with the standards and procedures set forth in this Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.), and make such recommendations to the governing body as it deems appropriate on each application.
- (3) *Recommendations on text amendments.* Conduct a public hearing on proposals to amend any portion of chapter 23 of this Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.). The board may review any such proposed text review and make such recommendation to the governing body on such text amendments as it deems appropriate. The commission shall also consider text amendments to any other articles of this Code, if assigned such role or responsibility by the governing body.
- (4) *Initiation of rezoning applications and text amendments.* Initiate on its own motion a zoning change or an amendment to the text of any article of this Code when, in its determination, such changes are appropriate for consideration. Any initiation by the commission must go through the normal public notification and application requirements according to the provisions of this Code.
- (5) *Decisions on variances.* Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Code on each application for a zoning variance or flood protection variance.
- (6) *Decisions on administrative appeals.* Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Code on each appeal of an administrative decision pursuant to this Code or an interpretation of the provisions of this Code by an administrative officer. In exercising these powers regarding an appeal of an administrative decision, the board may reverse or

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affirm, wholly or partly, or may modify the order, requirements, decisions or determinations of the administrative official, and to that end shall have the power to direct issuance of a permit.

- (7) *Other powers.* The commission shall also have such other powers, duties or responsibilities assigned to it by the governing body, explicitly assigned by this Code, or reasonably implied by this Code.

(Ord. No. 1055, § 1, 3-21-2018)

**Secs. 2-339—2-345. Reserved.**

Recommended Revision by Dave Bowers and Deloris Harrison Commissioners of PAC  
June 15, 2023