



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE O2024-07.A

Public Hearing Requirements

AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES APPENDIX A- ZONING, ARTICLE V- PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT, SECTION 6 – PUBLIC HEARING REQUIREMENTS TO CLARIFY LANGUAGE RELATED TO PUBLIC HEARING PROCEDURE REQUIREMENTS; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

I

That APPENDIX A – ZONING, ARTICLE V. PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT, SECTION 6 – PUBLIC HEARING REQUIREMENTS, be amended by deleting the strikethrough text and adding the underline text as follows:

ARTICLE V – Procedures for Administration and Enforcement

Section 6. Public hearing requirements.

The following requirements are hereby established in accordance with the Zoning Procedures Law, for zoning actions as defined by this ordinance. Whenever a zoning action takes place, a hearing must be held before the public as noticed per Section 5 above. When an applicant requires more than one zoning action ~~or subdivision procedure~~ for a development project, a separate public hearing must be held for each procedure or action. The official public hearing before the city council is the public hearing of record. A public meeting, allowing for comments, shall be held by the planning and zoning commission prior to the official public hearing and shall follow the rules of conduct in subsection (A) below. The purpose of the public hearing is to consider information pertinent to the requested zoning action. During the hearing the following rules and actions shall be followed:

(A) *General rules of conduct.* Whenever a public hearing is required by this ordinance or by state law prior to approving a zoning action, such public hearing, when conducted by the city council, or public meeting conducted by the planning and zoning commission, shall be conducted in accordance with the following procedures:

(1) The public hearing shall be called to order by the presiding officer.

- (2) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
- (3) In accordance with the O.C.G.A. Section 36-66-5, each side of a zoning action item (petitioner and staff) has a minimum of ten minutes to present either for or against the item. The presiding officer may allow additional time for each side if circumstances at the time warrant it.
- (4) ~~(3)~~ The presiding officer or administrative staff shall be heard first, introducing the item and requested action and shall present any information or materials pertinent to the request.
- (5) ~~(4)~~ If the subject of the hearing is initiated by an applicant other than the city, the petitioner requesting such zoning decision, or the applicant's agent, if present, shall be recognized first and shall be permitted to present reasoning and justification for the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (6) ~~(5)~~ If the request is initiated by the city, all members of the city council shall be allowed to speak as they are recognized by the mayor or presiding officer, regardless of whether such city council member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (7) ~~(6)~~ After all individuals have had an opportunity to speak in accordance with subsection 6(A)~~(-45 and 6)~~ above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- (8) ~~(7)~~ When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision. If within two years immediately preceding the filing of the applicant's application for a zoning action, the speaker has made campaign contributions aggregating to more than \$250.00 to any member of the city council or any member of the city planning and zoning commission, it shall be the duty of the speaker to disclose the following information five days prior to the official public hearing:
 - a. The name of the local government official to whom the campaign contribution or gift was made;
 - b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the ~~map amendment~~ zoning action and the date of each contribution; and
 - c. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action.
 - d. In the event that no such gift or contribution was made, the applicant shall affirmatively so state. Campaign disclosure forms are available at the Pooler

City Hall during normal hours of operation. Also, campaign disclosure forms shall be made available to the public at the planning and zoning commission public meeting for use at the official public hearing before the city council.

(9) ~~(8)~~ No time limit shall be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.

(10) ~~(9)~~ The applicant, if present, shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.

(11) ~~(10)~~ Thereafter, the presiding officer shall announce that the public hearing, or public comment period, for the requested zoning decision is closed, and the city council or the planning and zoning commission, as the case may be, shall immediately and openly discuss the proposed zoning decision and vote on action which they are authorized to take.

(12) ~~(11)~~ The public hearing shall provide the opportunity for hearing and addressing comments, questions, and concerns related to zoning actions from an applicant or members of the public. No further public comments shall be made relating to the zoning action once the public hearing has been closed, except when waived via motion approved by Council per its rules of procedure or recalling a speaker per subsection 6(C)(3) below.

(B) and (C) no changes

(D) *Public hearings records standards.* The city clerk or agent of the city clerk shall ~~mechanically~~ record the proceedings of all zoning public hearings, a copy of which shall be made part of the official record of the public hearing. Any public hearing may be reported as provided in O.C.G.A. Section 5-3-14. If a public hearing is officially reported as provided in O.C.G.A. Section 5-3-14, the transcription of the evidence and proceedings shall become part of the official record of the public hearing. In the event a public hearing is not officially reported under O.C.G.A Section 5-3-14, any evidence (e.g. maps, drawings, traffic studies, etc.) submitted by an applicant or any other person for consideration by the city council at the public hearing shall be marked for identification, including a notation of the proponent, and shall become part of the official record of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the city council for its records. The record of the public hearing and all evidence (e.g. maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning action's file.

II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

III

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

IV

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

FIRST READING: 7TH day of OCT., 2024

SECOND READING: 21ST day of OCT., 2024

ADOPTED: 21ST day of OCT., 2024

CITY OF POOLER, GEORGIA

Karen L. Williams
Karen L. Williams, Mayor

ATTEST:

[Signature]
[Signature] Fusco, Clerk of Council

