



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2017-1476  
**File Status:** Preliminary Item

1/23/2018

**Public Hearing:** YES  NO       **Department:** Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S):** All Commission districts

**Title:** Amendment to Chapter 27-7.2.2, D of the DeKalb County Zoning Ordinance related to the duties and procedures for the Planning Commission to be consistent with the amended Bylaws. The amended Bylaws are in accordance with Sec. 21, *Amendments of the DeKalb County Planning Commission Bylaws*, dated July 9, 2003.

**PETITION NO:** TA-18-21948

**PROPOSED USE:** N/A

**LOCATION:** N/A

**PARCEL NO.:** N/A

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

### PURPOSE:

To amend Article 7, *Administration*, Sec. 7.2.2, D. to match changes made in the update of the Planning Commission's Bylaws, specifically to 1) redefine the number of members needed to take an official action, 2) to change the month in which they hold an annual organizational meeting, 3) the insertion of a second vice-chairperson, and 4) to allow the commission discretion on whether to hear companion Land Use Plan amendments and Rezoning together or separately. The amended Bylaws were adopted by the Planning Commission on January 9, 2018.

### RECOMMENDATION:

**COMMUNITY COUNCIL:** Approval

**PLANNING COMMISSION:** Planning Commission Recommendation: Approval

**PLANNING STAFF:** Approval

**PLANNING STAFF ANALYSIS:** The proposed changes to article 7 are consistent with the amendments to the

---

**File #:** 2017-1476  
**File Status:** Preliminary Item

1/23/2018

---

Planning Commission Bylaws.

**PLANNING COMMISSION VOTE:** Approval 8-0-0

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Approval, 12-0-0, 5-0-0

## 7.2.2 Governing bodies.

Formatted: Font: 12 pt

### D. *DeKalb County Planning Commission.*

1. There is hereby established a DeKalb County Planning Commission which shall consist of nine (9) members, all residents of DeKalb County, who shall be appointed as follows:
  - a. Each member of the board of commissioners and the chief executive officer shall make one (1) appointment;
  - b. Members appointed by an individual commissioner must reside in the district of the appointing commissioner; and
  - c. One (1) appointment shall be made by the majority vote of the board of commissioners with the concurrence of the chief executive officer.
2. A planning commissioner may be removed by the board of commissioners at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any calendar year or by the elected appointing member of the board of commissioners for any other good cause related to performance of duties. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify both the planning commissioner and the board of commissioners when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. No hearing before the board of commissioners is allowed for a removal for a violation of the failure to attend meetings requirement. Such removal shall be effective ten (10) days following notification by the secretary of the planning commission to the board of commissioners. The appointing elected member of the board of commissioners shall have the authority to remove his or her planning commissioner appointee for cause, other than for failure to attend meetings, by providing written notice of such cause to the secretary and the planning commissioner proposed to be removed. Upon request of the planning commissioner proposed for removal for cause other than for a failure to attend meetings, the board of commissioners shall hold a hearing on the removal before it becomes effective. A planning commissioner appointed pursuant to subsection 1.c. above shall be subject to the removal requirements of this section, but a removal for cause other than for a failure to attend meetings shall require a majority vote of the board of commissioners with the concurrence of the chief executive officer. If a planning commissioner is still serving at the time his/her appointing elected official vacates his/her office, that planning commissioner shall only continue to serve until a successor is appointed and qualified by the incoming elected official. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same

Formatted: Font: (Default) Arial, 12 pt

manner as the initial appointment. Members of the planning commission shall hold no other county office or county compensated position. If a planning commission member appointed by an individual elected official moves outside the district of the appointing elected official, or if a planning commissioner appointed pursuant to subsection 1c. moves outside unincorporated DeKalb County, that action shall constitute a resignation from the planning commission, effective immediately.

3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director as having completed a training session sponsored by the county.
4. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.
5. *Planning commission to hold public hearing and make recommendation on all proposed amendments.* No amendment to the text of this chapter, the Official Zoning Map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
6. *Planning commission to adopt rules of procedure.* The planning commission shall conduct its meetings in accordance with the procedures contained in this chapter. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the clerk to the chief executive officer and the board of commissioners, and copies of the rules shall be made available to the public by the secretary of the planning commission and the clerk to the chief executive officer and the board of commissioners.
7. *Quorum, voting, and actions by board.* A quorum of the planning commission shall consist of at least five (5) members of the commission, ~~except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of a majority of the members present.~~ ~~at least five (5) members of the planning commission.~~ A roll call vote shall be taken upon the request of any

member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.

8. *Annual organizational meeting.* At its first regular meeting of each ~~March~~ January, the planning commission shall, by majority vote of its membership elect one (1) of its members to serve as chairperson to preside over the commission's meetings, ~~and one (1) member to serve as vice chairperson,~~ and one member to serve as second vice chairperson. The persons so elected shall serve in these capacities for terms of one (1) year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson, ~~and vice chairperson,~~ and second vice chairperson may take part in all deliberations and vote on all issues. The chairperson, ~~and the vice-chairperson,~~ and the second vice chairperson may each be elected to successive terms without limitation.
9. *Secretary of planning commission; staff support.* The director of planning or his/her designee shall serve as secretary of the planning commission. The planning department staff shall provide support to the planning commission as reasonable and necessary to accomplish said commission's duties. The planning department staff shall provide the members of the planning commission with all information submitted to, or generated by, county staff on each proposed amendment the planning commission considers, including but not limited to a copy of the application and the proposed amendment. The planning department staff shall make audio or video recordings and keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

## **A RESOLUTION GOVERNING THE PURPOSE, DUTIES, COMPOSITION AND PROCEDURES OF THE DEKALB COUNTY PLANNING COMMISSION**

### **Section 1 Purpose and Duties**

The purpose and duties of the Planning Commission shall be to conduct all other functions as contemplated and provided for under applicable state and county legislation, including, but not limited to:

- a. To review zoning cases and special land use permit requests in public hearings to make recommendations to the DeKalb County Board of Commissioners (BOC).
- b. To review and make recommendations to the BOC on zoning ordinances and zoning map amendments.
- c. To review and approve, disapprove or recommend one-time revisions of Sketch Plats.
- d. To work with various public and private agencies engaged in and interested in community planning and development activities so as to provide leadership in identifying and implementing county development objectives.
- e. To assist and advise the Department of Planning and Sustainability, the Board of Commissioners and the Chief Executive Officer (CEO) in carrying out other planning and developmental functions as may be necessary to achieve the desired benefits to DeKalb County residents.

### **Section 2 Composition**

The Planning Commission shall consist of nine (9) members, residents of DeKalb County, who shall be appointed by the BOC or the CEO. Planning Commissioners appointed by the individual BOC members must reside in the District of the appointing Commissioner.

- a. Appointment: Each member of the BOC and the CEO shall make one appointment. One appointment shall be made by the majority vote of the BOC with the concurrence of the CEO.
- b. Term of Appointment: The term of each member of the Planning Commission shall run concurrently with the term of office of the person making the appointment, except that the member appointed by majority vote of the BOC shall have a four-year term. If the appointing member of the Board of Commissioners or the CEO should leave office before expiration of that person's term, the Planning Commission member appointed by that person shall continue to serve out the appointed term on the Planning Commission. Planning Commissioners can be reappointed to successive terms without limitation.

### **Section 3 Officers**

The officers of the Planning Commission shall consist of a Chairman, a First Vice Chairman and a Second Vice Chairman.

- a. Election: The officers of the Planning Commission shall be elected at the annual organizational meeting held in March of each year or as soon thereafter as possible. Election shall be by a majority vote of a quorum of the Planning Commission. The terms of office for each officer will begin immediately upon election. An officer shall serve until relieved of his or her duties as provided for by applicable state and county legislation. Vacancies in office shall be filled at the next regular meeting by the special election procedure.
- b. Chairman: The Chairman shall be elected for a term of one year. The Chairman shall preside at all Planning Commission meetings, read opening statements and maintain order during the meetings. The Chairman shall decide on points of order and procedures subject to Roberts Rules of Order and the Bylaws. The Chairman shall have the privilege of discussing all matters before the Planning Commission.
- c. First Vice Chairman. The First Vice Chairman shall be elected for a term of one year and shall preside over meetings and hearings in the absence of the Chairman.
- d. Second Vice Chairman. The Second Vice Chairman shall serve for a term of one year and shall preside over meetings and hearings in the absence of the Chairman and the First Vice Chairman. In the absence of the Chairman and both Vice Chairmen, an acting Chairman shall be elected by the members.

### **Section 4 Training**

No person shall serve as a member of the Planning Commission until they have been certified by the Planning Director as having completed eight (8) hours of training.

### **Section 5 Secretarial Service**

The Planning Director shall appoint the Secretary of the Planning Commission. The Secretary shall provide administrative support, maintain the minutes and records of the meetings, prepare the agenda of all meetings and provide notice of the meetings. The Secretary shall also arrange for the necessary advertisements and proper legal notice of meetings. The Secretary shall also receive speaker cards from speakers at public meetings. All minutes, copies of notice, correspondence, reports and voting results shall be maintained as public records.

### **Section 6 Agenda and Minutes**

The Department of Planning staff shall determine the meeting agenda. All business to be acted upon by the Planning Commission must appear on the agenda, except that upon a majority vote of a quorum of the Planning Commission, non-agenda business, which does not involve action directly affecting the public, may be discussed and acted upon. Meeting minutes shall indicate all important facts pertaining to each meeting, including a

report of all actions taken, a listing of those members in attendance and absent. There shall also be a record of the voting results on each question.

### **Section 7 Meetings**

Meetings of the Planning Commission shall be held according to the schedules set annually by the Board of Commissioners. Each member shall be notified of each meeting at least five (5) days preceding the meeting through an electronic notice of the meeting and agenda prepared and distributed by the Secretary.

All Planning Commission meetings shall be open to the public.

### **Section 8 Quorum**

A quorum shall consist of five (5) of the members duly appointed. A majority vote of those members present constituting a quorum shall be sufficient to decide matters which come before the Planning Commission.

### **Section 9 Attendance**

The minutes of public hearings shall show the members in attendance. It shall be the responsibility of each Planning Commissioner to notify the Chairman and the Secretary of his or her inability to attend a meeting. A Planning Commissioner may be removed by the BOC at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within a calendar year. The elected appointing member of the BOC or the CEO may also remove his or her appointed Planning Commissioner for any good cause related to the performance of duties. It shall be the responsibility of the Secretary of the Planning Commission to keep a record of the attendance of members and to notify both the Planning Commissioner and the BOC when any Planning Commissioner is removed pursuant to the failure to attend meetings requirement. No hearing before the BOC is allowed for a removal for a violation of the failure to attend meetings requirement. Such removal shall be effective ten (10) days following notification by the Secretary of the Planning Commission to the BOC.

### **Section 10 Removal for Cause**

The appointing elected member of the BOC or CEO shall have the authority to remove his or her Planning Commissioner for cause, other than the failure to attend meetings, by providing written notice of such cause to the Secretary and to the Planning Commissioner proposed to be removed. Upon request of the Planning Commissioner proposed for removal for cause other than failure to attend meetings, the BOC shall hold a hearing on the removal before it becomes effective. Removal of a Planning Commissioner for cause other than failure to attend meetings shall require a majority vote of the BOC with the concurrence of the CEO. If a Planning Commissioner is still serving at the time his or her appointing elected official vacates his or her office, that Planning Commissioner shall only serve until a successor is appointed and qualified by the incoming elected official. Any



vacancy in the membership of the Planning Commission shall be filled for the unexpired term in the same manner as the initial appointment.

### **Section 11 Exclusion from Holding other County Offices or Paid Positions**

Members of the Planning Commission shall hold no other DeKalb County office or DeKalb County compensated position.

### **Section 12 Order of Business**

The order of business at regular meetings shall be:

1. Determination of Quorum
2. Approval of minutes of previous meeting(s)
3. Deferred Cases or Old Business
4. New Cases or New Business
5. Adjournment

### **Section 13 Public Hearings**

The Planning Commission shall conduct public hearings as required by applicable ordinances. Notice and advertising requirements shall be met by the Department of Planning and Sustainability as required by ordinances. In the absence of specific applicable procedures, the Planning Commission will follow Roberts Rules of Order.

The ordinances provide for the amount of time applicants, proponents and opponents may speak at Public Hearings. Planning Department Staff calls the cases. The Chairman then calls Applicants to present their case. If a zoning case contains a land use change and a companion zoning change, the cases may be presented in combination. Other supporters are called to speak followed by opponents for the allotted time. The Planning Department Staff presents the staff analysis and recommendations. The Chairman opens discussion among Planning Commissioners. Planning Commissioners may question staff, applicants, supporters or proponents. Following discussion, the Chairman calls for a motion. After a motion is made and seconded, the Planning Commissioners vote. The Secretary records the results of the vote in the meeting minutes.

### **Section 14 Voting**

A member who is not sitting with the Planning Commission during the consideration of any issue because of a conflict of interest shall be considered present for quorum purposes, but absent for voting purposes as to a particular issue. On issues calling for a vote where the resulting vote is a tie, the matter will go forward with the accompanying notice, "No recommendation because of a tie vote."

### **Section 15 Amended Zoning/Land Use Applications**

The Planning Commission may recommend amendments to a rezoning or land use amendment application including changes to conditions recommended by the staff and/or applicant which may be advisable so that the purpose of the Zoning Ordinance will be

served, and the health, public safety and the general welfare of DeKalb County will be secured.

**Section 16 Conflict of Interest**

Should any member of the Planning Commission be financially or otherwise closely associated with any issue that comes before the Planning Commission for a vote, said member shall abstain from participating in consideration of the issue and shall not sit with the Planning Commission during such consideration. A member of the Planning Commission may raise the question of conflict of interest of another member regarding a specific issue that is before the Planning Commission. A majority of those present without such conflict shall determine if such conflict exists. In the absence of such conflict of interest challenge, the determination of conflict of interest shall be a matter of individual member judgment. Members of the Planning Commission are governed by the DeKalb County Code of Ethics.

**Section 17 Budget**

The Planning Commission does not have responsibility for budgeting funds. Expenses of the Planning Commission are handled through the DeKalb County Department of Planning and Sustainability.

**Section 18 Roberts Rules of Order**

Procedure not covered in these bylaws shall be governed by applicable ordinances, Zoning code and Roberts Rules of Order.

**Section 19 Amendments**

These bylaws may be amended by two-thirds vote of a quorum of the Planning Commission at a meeting when the proposed amendments have been stated in a written notice given thirty (30) days in advance.

Adopted by the DeKalb County Planning Commission this day 9<sup>th</sup> of January, 2017.

  
\_\_\_\_\_  
Tess Snipes, Chairman  
DeKalb County Planning Commission