



DeKalb County Government

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

Agenda Item

File ID: 2017-1476

Substitute

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

Commission District(s): All Commission districts

Amendment to Chapter 27-7.1.2, D of the DeKalb County Zoning Ordinance, and Section 1117 of Appendix B Home Rule Ordinances 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.

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's together or separately.

NEED/IMPACT:

The Planning Commission approved their new bylaws January 9, 2018. This amendment changes the zoning code and the home rule ordinance accordingly.

FISCAL IMPACT:

No cost to the county

RECOMMENDATION:

COMMUNITY COUNCIL: Approval

PLANNING COMMISSION: Planning Commission Recommendation: Approval

PLANNING STAFF: Approval

PLANNING STAFF ANALYSIS: The proposed changes to Article 7 and Sec.1117 are consistent with the amendments to the Planning Commission Bylaws.

PLANNING COMMISSION VOTE: Approved 8-0-0

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

7.1.2 Governing bodies.

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

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. 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, 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, 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, vice chairperson, and second vice chairperson may take part in all deliberations and vote on all issues. The chairperson, 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.

Sec. 1117. - The DeKalb County Planning Commission.

- (a) *Composition* . 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:
 - (1) Each member of the board of commissioners and the chief executive officer shall make one (1) appointment;
 - (2) Members appointed by an individual commissioner must reside in the district of the appointing commissioner; and
 - (3) One (1) appointment shall be made by the majority vote of the board of commissioners with the concurrence of the chief executive officer.
- (b) *Appointment* . 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 (a)(3) 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 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 (a)(3) moves outside unincorporated DeKalb County, that action shall constitute a resignation from the planning commission, effective immediately.
- (c) *Training* . No person shall serve or continue to serve as a member of the planning commission until they have been certified by the planning director as having completed a training session sponsored by the county.
- (d) *Compensation* . The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.
- (e) *Planning commission to hold public hearing and make recommendation on all proposed amendments*. No amendment to the text of the county's zoning ordinance, 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 as required by law.
- (f) *Planning commission to adopt rules of procedure* . The planning commission shall conduct its meetings in accordance with the procedures contained in the county's zoning ordinance. 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 applicable requirements of law. 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.

- (g) *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. 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. The planning commission shall meet at scheduled times approved annually by the board of commissioners and at such other times as the chairman of the planning commission may determine.
- (h) *Annual organizational meeting* . At its first regular meeting of each March, 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, vice chairperson and second vice chairperson may take part in all deliberations and vote on all issues. The chairperson, the vice-chairperson and the second vice chairperson may each be elected to successive terms without limitation.
- (i) *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.

(H.N. Ord. of 8-25-15, Pt. I)

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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.
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