

FIFTH AMENDMENT TO THE 2020 REZONING CALENDAR RESOLUTION TO ADDRESS PUBLIC HEARINGS DURING THE COVID-19 PANDEMIC, AND CHANGES TO THE DATE(S) OF VARIOUS SCHEDULED MEETING(S)

WHEREAS, DeKalb County is experiencing an unprecedented health crisis as a result of the COVID-19 pandemic that currently prevents DeKalb County government from convening traditional in-person public meetings; and

WHEREAS, despite the health crisis caused by the pandemic, DeKalb County desires to continue conducting the affairs of County government, including those that affect planning and zoning, with as little disruption, inconvenience, or health risks to the public as possible; and

WHEREAS, DeKalb County recognizes that continuing to make land use and zoning decisions during the pandemic will assist in protecting the construction and development industries from the negative economic impacts of the pandemic, which in turn will support employment opportunities for the County's citizenry; and

WHEREAS, DeKalb County recognizes that both proponents and opponents to planning and land use and zoning matters must be given adequate notice and an opportunity for public hearing relating to such planning and zoning matters coming before the Community Councils, Planning Commission, and Board of Commissioners; and

WHEREAS, DeKalb County finds it necessary to amend its previously adopted resolution and thereby adjust the scheduling of some public hearings indicated in its previously adopted zoning calendar for 2020, as indicated herein, in order to address the unique circumstances complicating the administering of public hearings during the pandemic; and

WHEREAS, DeKalb County also finds it necessary to provide flexibility in the format of the public hearings relating to planning and zoning matters while traditional in-person meetings cannot safely be held during the pandemic, and therefore remote meetings via alternative mediums such as phone or internet video are necessary; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. The previously adopted 2020 Rezoning Resolution and all of its attachments adopted by the Board of Commissioners on December 17, 2019 (hereinafter referred to as the 2020 Rezoning Resolution), is attached hereto and remains in full force and effect except for the following changes (which supplement changes already made as part of the First, Second, Third, and Fourth Amendments to the 2020 Rezoning Calendar, adopted on April 28, 2020, June 23, 2020, August 25, 2020, and September 11, 2020, respectively);
2. The previously adopted dates for various meetings and submittals as reflected in the 2020 Rezoning Resolution and the First, Second, Third, and Fourth Amendments remain unchanged and in full force and effect except as follows:

- a. the Board of Commissioners' meeting previously scheduled for **January 26, 2021** is rescheduled to **THURSDAY, January 28, 2021**; and
 - b. the scheduled time and location of any of the public hearing(s) listed in the 2020 zoning calendar may be changed and held at a duly noticed time and location (including by telephone or a virtual meeting).
3. All the meetings discussed in paragraph 2 of this **Fifth** Amendment, as well as the **January 5, 2021** Planning Commission meeting, will be held via Zoom with public participation in the public hearings via a call in number. The Board of Commissioners' meetings and the Planning Commission meetings shall be simultaneously u-streamed in the same manner as the Board of Commissioners' Committee meetings. Details for participation shall be provided via the normal zoning advertisements, agenda publication and other postings required by law;
4. The maximum number of text amendments will not apply for the **January 2021** zoning cycle, provided that the total number of new applications does not exceed 20 applications.
5. If any section, subsection, sentence, clause, phrase or other portion of this **Fifth** Amendment, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the **Fourth** Amendment, or application of the provision to other persons, entities or circumstances shall not be affected;
6. All other provisions of the 2020 Rezoning Resolution and its attachments remain in full force and effect;
7. This **Fifth** Amendment shall remain in effect until **January 31, 2021** unless amended or modified by official action of the Board of Commissioners.

December 2, 2020

ADOPTED by the DeKalb County Board of Commissioners, this day of _____, 2020.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer this day of _____, 2020.

MICHAEL L. THURMOND
Chief Executive Officer DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk
Board of Commissioners and
Chief Executive Officer DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

ANDREW BAKER
Director
DeKalb County Department of Planning & Sustainability

VIVIANE H. ERNSTES
County Attorney