



Planning Commission

By-Laws and Rules of Procedure
(Approved August 3, 2016)

I. Powers and Duties:

- a) The Powers and Duties of the City of Doraville Planning Commission (hereafter referred to as the "Planning Commission") shall consist of review and recommendations on zoning decisions and zoning variances as defined in Section 2-34 of the Code of Ordinances of the City of Doraville and O.C.G.A. §36-66-1 "The Zoning Procedures Law" and carrying out of any other duties with which the Planning Commission is charged by the City Council.
- b) The Planning Commission shall follow standards and requirements established in the Code of Ordinances of the City of Doraville in the consideration of zoning and planning investigations and recommendations, and the administration thereof.
- c) The Planning Commission is advisory in nature to the City Council.

II. Composition and Design of Planning Commission:

- a) Members: The Planning Commission shall consist of five (5) appointed members. The Mayor and City Council shall appoint members.
- b) Eligibility: The members shall be residents of the City for at least one (1) year prior to taking office. The Council shall select one (1) member from each Council district and two (2) at-large members who may reside in any district.
- c) Terms: The term of office of the members of the Planning Commission shall be four years. Members shall serve a maximum of two (2) consecutive four-year terms. A period of two (2) years shall elapse before any member serving the maximum two (2) consecutive terms shall be eligible to serve again on the Planning Commission. Terms shall expire at the last regularly scheduled meeting prior to April 1 of each applicable year.
- d) Vacancies: Resignations from the Planning Commission must be submitted in writing to the Secretary of the Planning Commission. If a position becomes vacant, a member shall be appointed, from the vacated district or at-large, by the City Council to serve the remainder of the term.
- e) Payment to the Planning Commission Members: All members serve without compensation but may be reimbursed for actual expenses.
- f) Attendance: Mayor and Council shall remove members of the Planning Commission for just cause, including, but not limited to:
 - 1) Failure to attend three (3) consecutive, regular voting meetings of the Planning Commission;
 - 2) Failure to attend any four regularly scheduled meetings within a calendar year.
 - 3) Failure to maintain permanent residence within the jurisdiction of the City of Doraville; or
 - 4) Violation of Planning Commission Rules of Procedure or Bylaws.



III. Officers, Quorum and Affirmation of Motions:

- a) Officers: Elections for Officers will occur at the Planning Commission's first regular voting meeting after April 1st of each year.
- 1) Chair: The Planning Commission shall elect one of its members as Chair, who will serve for one year or until a successor is elected. The Chair may be elected for no more than two consecutive, one-year terms. The Chair shall be a regular voting member of the Planning Commission. The Chair shall preside at all meetings of the Commission and decide all points of order and procedure, unless directed otherwise by a majority of the Planning Commission, subject to these bylaws, and Robert's Rules of Order. The Chair shall appoint any committees found necessary to facilitate any business before the Planning Commission. The Chair shall have the authority to determine the need to require a roll-call vote when a voice vote is inconclusive. The Chair has the authority to declare that conduct by any person in attendance which interferes with the equitable rights of another to provide comment or which interferes with proper execution of commission affairs is "out-of-order" and direct the offending person(s) to remain silent. Once having been so directed, if the person(s) persists in disruptive conduct, the chair may entertain a motion to eject said person(s) from the meeting. Where the person(s) fails to comply with a successful motion to eject, the chair shall then call upon civil authorities to physically remove the person(s) from the meeting for the duration of the discussion on an item. The Chair may instruct the Planning Commission to "disregard" out-of-order comments, but they shall remain part of the record. The Chair shall attend City Council meetings when planning and zoning matters acted on by the Planning Commission are to be heard.
- 2) Vice Chair: The Planning Commission shall elect one of its members as Vice Chair, who will serve for one year or until a successor is elected. The Vice Chair may be elected for no more than two consecutive, one-year terms. The Vice Chair shall be a regular voting member of the Planning Commission. The Vice Chair shall serve as Acting Chair of the Planning Commission in the absence of the Chair. In the event that the Chair and Vice Chair are absent, another Commissioner shall be selected by consensus as acting Chair. The Vice Chair shall attend City Council meetings, in the absence of the Chair, when planning and zoning matters acted on by the Planning Commission are to be heard.
- Secretary: The Planning Commission shall elect one of its members as Secretary who will serve for one year or until a successor is elected. The Secretary may be elected for no more than two consecutive, one-year terms. The Secretary shall be a regular voting member of the Planning Commission. The Secretary will work with the Community Development Director and the City Clerk's Office; as needed to prepare summary minutes for meetings. In the event that the Secretary is absent, another Commissioner shall be selected by consensus as acting Secretary and will assume duties as assigned by the Chair. The Secretary shall attend City Council meetings, in the absence of the Chair and Vice Chair, when planning and zoning matters acted on by the Planning Commission are to be heard.
- b) Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Planning Commission at least three (3) members.
- c) Decisions of the Planning Commission: At all meetings of the Planning Commission where official action is to be taken, each member attending and present when a vote is taken on any question shall be entitled to cast one vote on each such question. The vote of a majority of the members present shall be required to adopt one side or the other of any such question. In the event of a member's



abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member was absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum. On every such question, the vote of each member shall be recorded in the minutes and the action of the Planning Commission on each application shall be recorded. Recommendations to the Mayor and Commission shall be for the approval, approval with conditions, or denial of an application.

IV. Bylaws and Rules of Procedure:

Adoption by majority of the membership of the Planning Commission shall be required to amend or adopt the Rules of Procedure and the Bylaws.

V. Meetings:

Regular Scheduled Meetings of the Planning Commission shall be on the first Wednesday of each month. Special Called Meetings of the Planning Commission shall be held at the call of the Chair by giving notice total members not less than twenty-four (24) hours prior to the time set for the meeting. All meetings of the Planning Commission shall be open to the public. However, members of the public shall not address the Planning Commission until invited to do so by the Chair. Regular meetings of the Commission shall provide an opportunity for questions and comments from the public as per Sec. XI.

VI. Cancellation of Meetings:

- a) Whenever there is no business before the Planning Commission, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting. A notice shall be placed in a public location at the meeting site indicating that the meeting has been cancelled.
- b) Whenever the City of Doraville has closed its offices due to inclement weather, then any meetings of the Planning Commission for that day shall be cancelled.
- c) Adjourned Meetings: Should the Planning Commission not complete the business before it, the Chair may adjourn the same and schedule a continuation of the same meeting until the Agenda has been completed. However, the adjourned meeting must meet the same requirements for the notification of the Clerk of Commission and for the posting of a notice as with a Special Called Meeting.

VII. Committee Meetings and Work Sessions:

Committee Meetings and Work Sessions of the Planning Commission may be called by the Chair of the Planning Commission or by the Chair of the Committee for Committee Meetings. These meetings, while informal in nature, shall be open to the public and shall meet the same requirements for posting of the agenda or announcement of the meeting as for Special Called Meetings. Minutes of Committee meetings are not required.

VIII. Meeting Minutes and Agendas:

- a) Minutes: The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Minutes shall also include records of the examinations of the Planning Commission and other official actions. Minutes



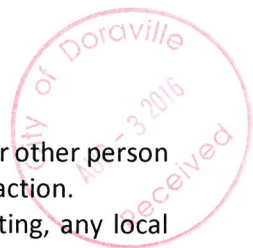
shall be part of the public record. A recorded tape or video will serve as the official record of the meeting. These minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Copies of the recorded tape or video minutes are available to the public at the cost of duplication. Summary Minutes will be prepared by the Secretary of the Planning Commission and available to the public after adoption by the Planning Commission. The applicant or any other party to the proceedings may have a verbatim transcript prepared by an official court reporter, certified in the State of Georgia, at his or her own expense; provided, however, a copy of the transcript shall be filed with the Secretary of the Planning Commission and copies made available to other parties at actual cost.

- b) Agenda: The Chair in concert with the Community Development Director, shall prepare the agenda for each meeting. The agenda shall be posted on the City of Doraville's website and in a public location no less than twenty-four hours prior to the meeting. The normal order of business at each meeting shall be:
- 1) Call to Order and Determination of Quorum
 - 2) Roll call
 - 3) Pledge of Allegiance
 - 4) Selection of Acting Chair, if necessary
 - i. Opening Statement by Chair or Acting Chair
 - ii. Adoption of Agenda
 - iii. Approval of Minutes of the Previous Meeting(s)
 - iv. Committee/Staff Reports
 - 5) Old Business
 - 6) New Business
 - 7) Administration
 - 8) Adjournment

IX. Conflict of Interest:

The Planning Commission members shall be governed by the provisions of the Official Code of Georgia (O.C.G.A.) § 36-67A-1 et seq, (Chapter 67 A, Conflict of Interest in Zoning Actions) and as follows:

- a) Definitions: As used in this section the following definitions shall apply:
- 1) Applicant means any person who appears before the Planning Commission and any attorney or other person representing or acting on behalf of a person who applies for an appeal, a variance, or any other action that the Planning Commission has the duty to consider in the application of its powers.
 - 2) Business entity means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
 - 3) Campaign contribution means a "contribution" as defined in paragraph (6) of Official Code of Georgia (O.C.G.A.) § 21-5-3 et seq.
 - 4) Financial interest means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
 - 5) Member of the family means the spouse, mother, father, brother, sister, son or daughter of a Planning Commission member.

- 
- 6) Opponent means any person who opposes an application request or any attorney or other person representing or acting on behalf of a person who opposes a Planning Commission action.
 - 7) Oppose means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against an appeal or variance request.
 - 8) Person means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
 - 9) Property interest means the direct ownership of real property and includes any percentage of ownership less than total ownership.
 - 10) Real property means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- b) A Planning Commission member who knew or reasonably should have known that he or she has one or more of the following interests shall immediately disclose the nature and extent of such interest, in writing, to the Planning Director:
- 1) Has a property interest in any real property affected by a Planning Commission action which the Planning Commission will have the duty to consider and or make recommendation on; or
 - 2) Has a financial interest in any business entity which has a property interest in any real property affected by a Planning Commission action which the Planning Commission will have the duty to consider; or
 - 3) Has a member of the family having any interest described in paragraph 1 or 2 of this section. The Planning Commission member who has one or more of the interests defined in paragraph 1, 2 or 3 of this section shall disqualify his or herself from voting on the agenda item under consideration. The disqualified Planning Commission member shall not take any other action on behalf of himself or herself, or any other person, to influence action on the application. To that end, the disqualified Planning Commission member shall not make presentations to the Planning Commission, speak to the Planning Commission on behalf of or in opposition to an item under consideration, or present written argument in favor of or in opposition to members of the Planning Commission, with the exception of those materials contained as part of the official application. Such presentations may, however, be made to the Mayor and City Council if the item appears before them. The disclosures provided for in this section shall be a public record and are available for public inspection at any time during normal working hours. If a motion cannot be passed because of the number of Planning Commission Members having a conflict of interest then the item shall be sent to the Mayor and City Council without prejudice, recommendation or decision.

X. Code of Conduct:

Each member of the Planning Commission shall adhere to the following code of conduct:

- a) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
- b) Never discriminate by the dispensing of special favors or privileges to any one, whether or not for remuneration;
- c) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties;



- d) Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;
- e) Expose corruption wherever discovered;
- f) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- g) Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;
- h) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and
- i) Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action. If any member of the Planning Commission shall violate any provision of this article, that individual shall no longer be eligible to serve in any capacity with the Planning Commission.

XI. Planning Commission Policy Regarding Site Visits and Communications Received Outside of the Hearing or Decision-making Process:

- a) Members of the Planning Commission shall not decide how they will vote on a matter pending before the Planning Commission until after the conclusion of the evidentiary proceeding on the application.
- b) Planning Commission Members shall avoid the appearance of premature decision-making by adhering to the following rules of conduct.
- c) Planning Commission Members shall disclose any discussion outside the hearing or decision-making process with anyone other than staff or other Planning Commission Members, on the record, at the Planning Commission meeting at which the subject application is under review. Such disclosure shall include the name of the person with whom the matter was discussed and the nature of the conversation.
- d) If by virtue of a site visit or otherwise, a Planning Commission Member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, such Planning Commission Member shall disclose said information on the record, at the hearing or Planning Commission meeting, and all parties present shall be given a chance to respond.

XII. Planning Commission Meeting Procedure:

At Planning Commission Meetings, the following procedure will be followed regarding items before the Planning Commission:



- a) City of Doraville staff will sound the case.
- b) Chair will invite the Petitioner to present their request.
- c) City of Doraville staff will present staff report recommendations on request.
- d) Chair will ask for a showing of hands from the audience of those in favor and those in opposition of a zoning request.
- e) Public Input in-favor of a request will be received from the petitioner and any other individuals or groups that wish to speak. All speakers shall form a line at the podium at the time the Chair invites their input.
- f) Public Input in-opposition of a request is then received from anyone who wishes to speak. All speakers shall form a line at the podium at the time the Chair invites their input.
- g) Statements in-opposition to the request may be followed, if necessary, by a brief response from the Petitioner.
- h) The Public Input Session will close and no additional public comments will be accepted, unless requested by the Planning Commission.
- i) The Planning Commission will discuss the request. At the discretion of the Chair, Planning Commissioner's may ask for further information from members of the public who spoke during the Public Input Session.
- j) The Planning Commission will then entertain a motion and take a vote on the request.
- k) Motions can be for approval, approval with conditions, to table or to deny the request.
- l) Speakers: Any person wishing to speak before the Commission shall first announce clearly their name and home address upon first approaching the podium. Speakers shall address all comments to the Planning Commission and not to other members of the audience. The following time limits for speakers shall be observed:
 - 1) The Petitioner or one representative – no more than ten (10) minutes.
 - 2) Individuals who wish to speak in-favor of a petition or issue – no more than twenty (20) minutes total. Each individual shall be limited to no more than four (4) minutes.
 - 3) Individuals who wish to speak in opposition a petition or issue – no more than twenty (20) minutes total. Each individual shall be limited to no more than four (4) minutes.
 - 4) The petitioner will be allowed to clarify any issues during public comment and shall have a minimum of two (2) minutes to do so.



m) Tabling the Application. The Planning Commission shall use the following procedures for a requested table of an application:

- 1) When an agenda item is set for hearing before the Planning Commission for the first time, the Commission shall accept a petitioner's request to table the item for hearing at another regular meeting of the Commission without deliberation on the merits of the request if the request is made in writing, signed by the applicant, and received by the Commission staff at least 48 hours prior to the meeting being called to order. The petitioner shall request a specific regular meeting date for the hearing within three (3) months.
- 2) In the event an agenda item has been tabled previously and/or a written request to table is not made as required in paragraph (1) above, a petitioner's request to table the item is subject to Commission deliberation on the merits of the request to table. If the Commission votes to table the request, the hearing shall be set for the next regular meeting of the Commission unless the Commission determines additional time is needed.

Adopted this the 3rd day of August, 2016


Thom Abbott, Planning Commission Chair
Susan Crawford, Planning Commission Secretary