

MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION BYLAWS

This resolution of the Municipal-Gwinnett County Planning Commission, hereinafter referred to as the "Planning Commission," is adopted pursuant to the enabling ordinance approved by the Board of Commissioners of Gwinnett County, Georgia, on September 17, 1985. It shall govern the purpose, duties, responsibilities, policies and procedures of the Planning Commission. This resolution shall keep in effect all current purposes, duties, responsibilities, policies and procedures, including adopted resolutions, unless specifically changed by this resolution.

SECTION I. PURPOSE, DUTIES AND RESPONSIBILITIES. The purpose, duties and responsibilities of the Planning Commission are as defined in the enabling ordinance and shall include, but not be limited to, the following:

- A. To research, review and make recommendations to the Board of Commissioners on zoning, the Zoning Resolution, zoning map amendments, special uses, waivers of the development regulations, the comprehensive plan and the elements thereof, development regulations and other policies and procedures of the Planning and Development Department and related matters.
- B. To advise the Board of Commissioners on environmental, public health, safety and general welfare matters which may include infrastructure, historic, business, residential and recreational matters, policies and procedures.
- C. To work with various public and private organizations and agencies engaged in or interested in planning and development activities so as to provide leadership in identifying and implementing County objectives for planning and development.
- D. To assist the Planning and Development Department, other County departments, boards and authorities when appropriate to the purposes of the Planning Commission, and the Board of Commissioners in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future Gwinnett County residents and businesses as a whole.

- E. To report to the Board of Commissioners after research and review on any matter or class of matter referred to the Planning Commission by the Board of Commissioners before action is taken thereon by them.

SECTION II. PLANNING DISTRICTS. All members of the Planning Commission who are appointed by members of the Gwinnett County Board of Commissioners, shall be responsible for all items of business brought before the Planning Commission regardless of the geographic location of the business item within the County. However, for the purpose of expediting the conduct of the Planning Commission's business, the Planning Commissioners appointed by each District Commissioner shall determine how to best divide the Commission District they represent or assign applications and other matters to facilitate the business of the Planning Commission within that Commission District. Such division or assignment procedures shall have the concurrence of the District Commissioner making said appointments and shall be confirmed by a majority of the Planning Commission.

The Planning Commissioner appointed by the Chairman of the Board of Commissioners shall not have an assigned Planning District, but shall have "at-large" responsibilities to research and review zonings and other matters which may have an effect on Gwinnett County as a whole.

Planning Commissioners appointed by the participating municipalities hereinafter referred to as "municipal members" shall have the responsibilities to research and review zonings and other matters which may have an effect on property located within its incorporated limits.

Except as provided in Section XIII of the Bylaws, each municipal member may participate in discussions of the Municipal-Gwinnett County Planning Commission. Municipal members may make motions and/or vote only on the following matters:

1. Any Land Use Plan amendment, Road Classification Map amendment, and rezoning and/or Special Use Permit request which is within or which abuts property presently inside the municipal boundaries of the City which appointed the municipal member.
2. Any issue, after written notification has been submitted to

the Chairman within 24 hours of the scheduled public hearing, on which the Chairman shall rule on the eligibility of the vote prior to any discussion on this issue.

Municipal members may not vote on points of order or any changes to the Bylaws or Rules of Procedure of the Municipal-Gwinnett County Planning Commission.

Municipal members may not hold elected offices on the Municipal-Gwinnett County Planning Commission.

SECTION III. OFFICERS. The officers of the Planning Commission shall be elected at the annual organizational meeting which shall be held at the first public hearing scheduled in January of each year. Election shall be by a majority vote of the Planning Commission not including the municipal members. The term of office for each officer shall begin immediately upon election.

An officer shall serve until relieved of his or her duties as provided in the enabling ordinance or until he or she voluntarily steps down. In the event of an extended absence of either officer, the Planning Commission may appoint either a temporary Chairman or Vice-Chairman to fill the office until the return of the absent officer or until the expiration of his or her term of office, whichever comes first.

A. CHAIRMAN. The Chairman shall be elected for a term of one year beginning in January, 1986 and each year thereafter. The Chairman shall preside at all meetings and shall have all duties conferred by parliamentary usage on such officers. The Chairman shall decide all points of order and procedures subject to the rules of this resolution unless otherwise directed by a vote of the Planning Commission.

The Planning Commission, by adoption of this resolution, grants to the Chairman the privilege of initiating motions and the privilege of voting on all matters before the Planning Commission. These same privileges shall be extended to the Vice-Chairman, temporary Chairman or Vice-Chairman when acting in the absence of the Chairman.

B. VICE-CHAIRMAN. The Vice-Chairman shall be elected for a term of one year beginning in January, 1986 and each year thereafter. The Vice-Chairman shall act as the Chairman in his or her absence. When acting as Chairman, the Vice-

Chairman shall have the same powers, duties and privileges as the Chairman.

SECTION IV. PLANNING DIRECTOR AS EXECUTIVE SECRETARY. The Planning Director shall serve as the Executive Secretary of the Planning Commission and may delegate the performance of the tasks required of the Executive Secretary to his or her subordinates. The Executive Secretary shall provide such technical, secretarial and other support services as the Planning Commission may reasonably require in the conduct of its business, including the maintenance of minutes and records, the preparation of an agenda for all meetings, the providing of notice of all meetings, the placement of appropriate legal notices as required by the resolutions and ordinance of Gwinnett County, attendance to the correspondence of the Planning Commission, providing the Planning Commission with the final action by the Board of Commissioners on the recommendations of the Planning Commission, and other services which may be required, to the extent such services can be provided within the budgetary limitations of the Planning Division.

SECTION V. AGENDA AND MINUTES. The Chairman and Executive Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Planning Commission shall appear on the agenda, except that upon a vote of the Planning Commission, non-agenda matters, which in the judgement of the Chairman do not involve action directly affecting the public, may be discussed and voted thereon.

Meeting minutes shall include and indicate all important facts, a report of all actions taken, and shall include a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter, and a record of any explanation or commentary which is relative to the decisions made on matters before the Planning Commission.

The Executive Secretary shall prepare sufficient copies of the agenda and the applicable rules of procedure for use by the audience attending a meeting of the Planning Commission.

SECTION VI. MEETINGS. The meetings shall be held in accordance with the schedule adopted by the Board of Commissioners annually, as amended. A public hearing shall be held at least once each month at the call of the Chairman, and at such other times as the Chairman or the members shall determine. All meetings shall be voting sessions and open to the public. No vote shall be

permitted on matters which require a public hearing by resolution or ordinance, the Board of commissioners, County policy, or a vote of the Planning Commission prior to conducting said public hearing.

Notice of all meetings shall be caused to be published by the Executive Secretary in accordance with the requirements set forth in the applicable resolution, ordinance, or policy of Gwinnett County in a newspaper of general circulation throughout Gwinnett County.

- A. PUBLIC HEARINGS. There is a public hearing(s) each month and shall be used when required by resolution, ordinance or county policy or when desired by the Planning Commission to formally present matters before the Planning Commission, hear Staff recommendations and provide a public forum for the proponents and opponents of matters, discussion of matters by the Planning Commission and the voting thereon.

Any other business of the Planning Commission, rezonings, or special use permits may be discussed and/or voted upon by the Planning Commission at a public hearing in accordance with the rules and procedures of this resolution.

- B. SPECIAL CALLED MEETINGS. The Chairman, Executive Secretary or a majority of the Planning Commission may call a special meeting at any time. The Executive Secretary shall prepare and cause to be delivered written notice stating the specific purpose of the special called meeting to each Planning Commissioner. No business other than the specific stated purpose shall occur at the special called meeting.

SECTION VII. ORDER OF BUSINESS AT MEETINGS. The normal order of business at meetings shall be:

- A. Determination of a quorum.
- B. Approval of minutes from previous meetings.
- C. Voting on matters heard and tabled from previous public hearings.
- D. Public comment, discussion by the Planning Commission and voting on matters which have had their public hearings continued from a previous meeting.

- E. New business for:
 - 1. Zonings and special uses for unincorporated Gwinnett County.
 - 2. Other new business matters requiring a public hearing.
- F. Audience comments.
- G. Other old business.
- H. Reports by staff and committees and other new business.
- I. Comments by staff and Planning Commissioners.
- J. Adjournment.

The Chairman may change the order of the agenda or matters appearing on the agenda for meetings during the meeting if, in his or her judgement, time and purpose may be served.

SECTION VIII. RULES OF PROCEDURE FOR MEETING. The rules of procedure for meetings are as follows:

- A. The Chairman shall call the matter before the Planning Commission.
- B. The Chairman shall call for presentation by the staff and ask for its recommendation on the matter.
- C. The Chairman shall then call parties in interest who shall have privilege on the floor after appearing before the Planning Commission and identifying themselves by name, address and affiliation with any business or organization which would be relative to the matter being considered.

Proponents shall speak first, opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Planning Commission. Neither proponents or opponents shall generally have more than ten minutes total to present their interest and the Chairman shall have the power to restrict or expand the period of time for presentations if, in his or her judgement, circumstances surrounding the matter may warrant such action.

In the event that an official, who represents a municipality or an agency of federal, state, or local government, wishes to speak on an agenda item, such official representative may be heard at the time established on the agenda for such matter, and subject to time limits set by the Chairman. However, such time shall not reduce the time otherwise allotted to the proponents or opponents to present their public comments. Official written comments from a public body or agency may be read into the record of the public hearing if appropriate, or otherwise cited for the record by the Chairman at the beginning of the public hearing on the agenda item.

- D. The Chairman shall call for questions from the Planning Commission to the proponents or opponents immediately after their individual presentation.
- E. The Chairman shall then call for discussion of the matter by the Planning Commission and the voting thereon. Once discussion by the Planning Commission has been called for, no further comment or presentation shall be made by parties in interest unless a Planning Commissioner has a specific question for a party in interest, or, the Chairman deems further comment to be appropriate and germane to the issues surrounding the matter before the Planning Commission.
- F. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgement of a majority of the Planning Commission, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- G. The Planning Commission may table a vote on a specific matter to a specified future date and time after a public hearing.

SECTION IX. NOTICE OF MEETINGS. In addition to the required legal notices, the Executive Secretary shall notify all Planning Commissioners of each regularly scheduled meeting at least five days preceding such meeting through the delivery of a written agenda which shall include all details on matters to be considered and staff recommendations.

The Executive Secretary shall notify all Planning Commissioners of all Special Called Meetings at least two days preceding such meetings through the delivery of a written notice showing the time, place and purpose of such meetings.

The Executive Secretary shall notify all Planning Commissioners of the cancellation of any regularly scheduled meeting at least five days preceding the date of such canceled meeting through the delivery of a written notice of cancellation. However a meeting may be canceled due to inclement weather without written notice.

SECTION X. CANCELLATION OF MEETINGS. In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the Chairman or a majority of the Planning Commission may cancel the meeting in question. In addition to the notice required to be delivered to all Planning Commissioners, The Executive Secretary shall place an appropriate legal notice in a newspaper of general circulation throughout Gwinnett County at least five days before the date of the canceled meeting. However this notice is not required in the case of cancellations due to weather.

SECTION XI. QUORUM. A quorum shall consist of six Planning Commissioners not including municipal members and a majority vote of those present constituting a quorum shall be sufficient to decide all matters which come before the Planning Commission.

SECTION XII. VOTING. A Planning Commissioner who is part of a quorum of the Planning Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest shall be considered present for quorum purposes but absent from the voting on that specific matter.

A majority vote of a quorum of the Planning Commission is required for approval of all motions. A motion which fails by a majority vote shall not be deemed as approval of the opposite position and a new motion must be made to approve the opposite position, with any amendments and conditions, in order that the opposite position may be submitted to the Board of Commissioners as the recommendation of the Planning Commission. If a motion on a proposed amendment results in a tie vote of those present, the Planning Commission may forward a report of "no recommendation" on the proposed amendment.

The Planning Commission may add conditions to the approval of any application or matter it deems necessary so that the purposes of the County's resolutions, ordinances, regulations, policies and procedures are served and so that the public health, safety and welfare of the residents of the County as a whole shall be protected and/or enhances.

The recommendation of the Planning Commission along with any explanation or commentary related to the decision of the Planning Commission on all actions on a particular matter shall accompany the Planning Commission's recommendation to the Board of Commissioners.

SECTION XIII. CONFLICT OF INTEREST.

A. Definitions

As used in these Bylaws, the term:

- 1) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
- 2) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10%) percent or more.
- 3) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a Planning Commissioner.
- 4) "Property interest" means the direct or indirect ownership of real property and includes any percentages of ownership less than total ownership.
- 5) "Real property" means any tract or parcel of land and, if developed, any building or structure located on the land.
- 6) "Rezoning action" means any rezoning, special use permit, or site plan review which requires a majority vote of the Planning Commission.

B. A Planning Commissioner who:

- 1) Has a property interest in any real property affected by a

rezoning action upon which that Commissioner is authorized to vote;

- 2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that Planner Commissioner is authorized to vote; or
- 3) Has a member of the family having any interest described in paragraphs (1) or (2) of this section

shall disclose in writing not more than five (5) working days after any action by the Planning Commission the nature and extent of such interest. The Planning Commissioner shall not participate in the discussion, questions, or voting on that particular matter, nor shall said Planning Commissioner take any action which may influence the voting of any other Planning Commissioner.

SECTION XIV. COMMITTEES. The Chairman may appoint, with the concurrence of the Planning Commission various standing and temporary committees may include members of the staff of various County departments, residents and business owners of the County and other individuals whose background and knowledge may be of benefit to the Planning Commission in accomplishing its goals.

The purpose of committees shall be to make detailed investigations, studies and recommendations to the Planning Commission as instructed pertaining to matters or classes of matters falling within its purview.

The Chairman shall be an ex-officio member of all committees.

SECTION XV. ASSISTANCE OF OTHER DEPARTMENTS. The Planning Commission shall have the power to draw upon the resources and knowledge of all County departments, boards and authorities as deemed necessary for the fulfillment of its purposes, duties and responsibilities. All public officials shall, upon request, furnish to the Planning Commission all such information requested that it may reasonable require, to the extent available and within a reasonable period of time.

SECTION XVI. MAXIMUM TIME FOR ACTION. The Planning Commission shall have thirty days from the date of its first scheduled public hearing on a matter in which to submit a recommendation to

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the Board of Commissioners, except where the Board of Commissioners has established another specific time period for a specific matter. The applicant and the Planning commission may jointly agree to an extension of the 30 day period. The Planning Commission may also request an extension of time from the Board of Commissioners on any matter. If the Planning Commission fails to submit a recommendation within the allowed period of time or is denied its request for an extension of time, that particular matter before the Planning Commission shall be forwarded to the Board of Commissioners without recommendation.

SECTION XVII. ROBERTS RULES OF ORDER. IN the event that a conflict occurs between the rules and procedures of this resolution and Roberts Rules of Order, the rules and procedures of this resolution shall prevail. In all other procedural questions, Roberts Rules of Order shall apply.

SECTION XVIII. ENABLING ORDINANCE. In the event that a conflict occurs between this resolution and the enabling ordinance as approved and amended by the Board of Commissioners, the provisions of the enabling ordinance shall apply.

SECTION XIV. AMENDMENTS. The provisions contained herein may be amended by a majority vote of the Planning Commission.

ADOPTED BY THE MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION THIS

1st DAY OF MARCH, 2011.



Chuck Warbington, Chairman
Municipal-Gwinnett County Planning
Commission

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Amended 3/01/2011