



GWINNETT COUNTY
Department of Planning & Development
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BYLAWS OF THE GWINNETT COUNTY ZONING BOARD OF APPEALS

This resolution of the Gwinnett County Zoning Board of Appeals, hereinafter referred to as the Zoning Board of Appeals, is adopted pursuant to the Article XVI, Section 1600 through Section 1609, of the zoning Resolution. It shall govern the purpose, duties, responsibilities, policies and procedures of the Zoning 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 Zoning Board of Appeals shall be as defined in the Zoning Resolution.

SECTION II. OFFICERS.

The officers of the Zoning Board of Appeals shall be elected annually after the February appointment by the Board of Commissioners. Election shall be by a majority vote of all members of the Zoning Board of Appeals. The term of office for each officer shall begin immediately upon election. An officer shall serve one (1) year or until relieved of his or her duties as provided in the Zoning Resolution or until he or she voluntarily steps down. In the event of an extended absence of either office, the Zoning Board of Appeals may appoint either a temporary Chairman or a temporary 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 (1) year. The Chairman shall preside at all meetings and shall have all duties conferred by Roberts Rules of Order on such officers. The Chairman shall decide all points of order and procedures subject to the rules of this resolution, the Zoning Resolution and Roberts Rules of Order.

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

B. VICE-CHAIRMAN.

The Vice-Chairman shall be elected for a term of one (1) year. 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 III. DEPARTMENT OF PLANNING AND DEVELOPMENT DIRECTOR TO SERVE AS EXECUTIVE SECRETARY.

The director of the Department of Planning and Development shall serve as the Executive Secretary of the Zoning Board of Appeals 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

Zoning Board of Appeals 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 provision of notice of all meetings, the placement of appropriate legal notices as required by the resolutions and ordinances of Gwinnett County, attendance to the correspondence of the Zoning Board of Appeals, and other services which may be required. It shall further be the responsibility of the director of the Department of Planning and Development to notify the Zoning Board of Appeals of any actions taken by any other administrative body regarding any appeals by the Zoning Board of Appeals and any suits filed against the decision of the Zoning Board of Appeals and the outcome thereof. Such notice shall be mailed to all members within seven (7) calendar days of the date that the director of the Department of Planning and Development becomes aware of such actions.

SECTION IV. AGENDA AND MINUTES.

The Chairman and Executive Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Zoning Board of Appeals shall appear on the agenda, except that upon a motion by a member and approved by vote from the Zoning Board of Appeals, non-agenda matters, which in the judgment of the Chairman do not involve action directly affecting the public, may be discussed and voted thereon.

The Zoning Board of Appeals 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. The Zoning Board of Appeals shall keep records of its examinations and other official actions sufficient for defense of decision should any decision be appealed to Superior Court. All of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.

SECTION V. MEETINGS.

A. REGULAR MEETINGS.

Regular meetings of the Zoning Board of Appeals shall be the 2nd Tuesday of each month, at the call of the Chairman, or any such other times as the members of the Zoning Board of Appeals may determine.

B. SPECIAL CALLED MEETINGS.

The Chairman or a majority of the Zoning Board of Appeals may call a special meeting at any time. The Executive Secretary shall prepared and cause to be delivered written notice stating the specific purpose of the special called meeting to each Zoning Board of Appeals member. Business other than the specific stated purpose shall not occur at the special called meeting.

SECTION VI. 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. Adoption of the agenda. The Chairman may change the order of the agenda or matters appearing on the agenda for meetings during the meeting if, in the Chairman's judgment, time and purpose may be served.
- D. Voting on matters heard and tabled from previous public hearings.

- E. Public comment, discussion by the Zoning Board of Appeals and voting on matters, which have had their public hearings, continued from a previous meeting.
- F. New business as follows:
 - 1. Variances;
 - 2. Special Exceptions;
 - 3. Appeals of Administrative Decision;
 - 4. Other new business matters requiring a public hearing;
 - 5. Other business as defined under Section IV.
- G. Adjournment

SECTION VII. RULES OF PROCEDURES FOR MEETING.

The rules of procedure of meetings are as follows:

- A. The Vice-Chairman shall call the matter before the Zoning Board of Appeals.
- B. The Chairman shall then call parties in interest that shall have privilege on the floor after appearing before the Zoning Board of Appeals and identifying themselves by name, address, and affiliation with any business or organization, which would be relative to the matter being considered.
- C. Proponents shall speak first and opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Zoning Board of Appeals. Neither proponents nor opponents shall generally have more than five (5) 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 judgment, circumstances surrounding the matter may warrant such action.
- D. The Chairman shall call for questions from the Zoning Board of Appeals to the proponents or opponents immediately after their individual presentations.
- E. The Chairman shall then call for discussion of the matter by the Zoning Board of Appeals and the voting thereon. Once discussions by the Zoning Board of Appeals has been called for, no further comment or presentation shall be made by parties in interest unless a Zoning Board of Appeals member 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 Zoning Board of Appeals.
- F. All Items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of a majority of the Zoning Board of Appeals members, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- G. The Zoning Board of Appeals may table a vote on a specific matter to a specified future date and time after a public hearing.

SECTION VIII. NOTICE OF MEETINGS.

In addition to the required legal notices, the Executive Secretary shall notify all Zoning Board of Appeals members

of each regularly scheduled meetings at least seven (7) calendar days preceding such meeting through the delivery of a written agenda, which shall include all details on matters to be considered and staff recommendations, where applicable.

The Executive Secretary shall notify all Zoning Board of Appeals members of all special meetings called at least two (2) calendar days preceding such meetings through the delivery of a written notice showing the time, place and purpose or such meetings.

The Executive Secretary shall notify all Zoning Board of Appeals members of the cancellation of any regularly scheduled meeting at least five (5) calendar days preceding the date of such cancelled meeting through the delivery of a written notice of cancellation.

SECTION IX. 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 Zoning Board of Appeals may cancel the meeting in question. In addition to the notice required to be delivered to all Zoning Board of Appeals members, the Executive Secretary shall place an appropriate legal notice in a newspaper of general circulation throughout Gwinnett County at least five (5) calendar days before the date of the cancelled meeting.

SECTION X. QUORUM.

A quorum shall consist of three (3) Zoning Board of Appeals members and a majority vote of those present constituting a quorum shall be sufficient to decide all matters which come before the Zoning Board of Appeals.

SECTION XI. VOTING.

A Zoning Board of Appeals member who is part of a quorum of the Zoning Board of Appeals 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 Zoning Board of Appeals is required for approval of all motions. A tie vote shall be deemed as a denial of the motion. 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.

The Zoning Board of Appeals 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 enhanced.

SECTION XII. CONFLICT OF INTEREST.

In the event that any Zoning Board of Appeals member has any matter, proponent or opponent which may result in a gain or loss to that Zoning Board of Appeals member, his or her immediate family by blood or by marriage, or to any individual, partnership or corporation with whom that member has had any regular business or contractual relationships within the past twelve (12) months, said member (s) shall not participate in the consideration, discussion, questioning and voting on that particular matter before the Zoning Board of Appeals, nor shall said member (s) take any action which may influence the vote of any other member (s). In the event that the Chairman has a conflict of interest, the Vice-Chairman shall preside over the meeting during consideration of that particular matter.

Any Zoning Board of Appeals member may challenge another member and raise the question of conflict of interest regarding a particular matter. A majority of those without such challenge shall determine if such conflict does exist.

In the absence of such challenge, the matter of conflict of interest shall be left to the individual judgment of each member to determine if he or she is voting on the facts of a matter, for the general good of Gwinnett County, and for the public health, safety and welfare of its residents as a whole.

SECTION XIII. COMMITTEES.

The Chairman may appoint, with concurrence of the Zoning Board of Appeals, various standing and temporary committees to further the purposes of the Zoning Board of Appeals. Such 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 a benefit to the Zoning Board of Appeals in accomplishing its goals.

The purpose of committees shall be to make detailed investigations, studies and recommendations to the Zoning board of Appeals 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 XIV. ASSISTANCE OF OTHER DEPARTMENTS.

The Zoning Board of Appeals shall have the power to draw upon the resources and knowledge of all Gwinnett 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 Zoning Board of Appeals all such information requested that it might reasonably require, to the extent available and within a reasonable period of time.

SECTION XV. 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 XVI. ENABLING ORDINANCE PRECEDENCE.

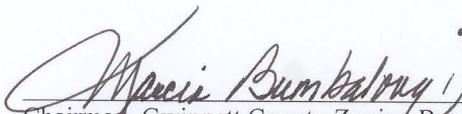
In the event that a conflict occurs between this resolution and the enabling ordinance as approved and amended by the Board of Commissioners, the provisions of the enabling ordinance shall apply.

SECTION XVII. AMMENDMENTS.

The provisions contained herein may be amended by a majority vote of the Zoning Board of Appeals.

SECTION XVIII. ADOPTION.

Adopted and amended by the Gwinnett County Zoning Board of Appeals this 12th day of JUNE, 2007.


Chairman, Gwinnett County Zoning Board of Appeals

JUNE 21, 2007
Date Signed