

01-0597 COMMISSIONERS' ITEMS - UNFINISHED BUSINESS - REQUEST
APPROVAL OF RESOLUTION AMENDING SECTION 58-36, ET
SEQ., FULTON COUNTY CODE OF LAWS, TO RENAME THE
FULTON COUNTY PLANNING COMMISSION AS THE FULTON
COUNTY COMMUNITY ZONING BOARD; TO ESTABLISH DUTIES;
AND FOR OTHER PURPOSES. (HELD 5/16/01, 6/6/01)
(KENN) (APPROVED)

1 **RESOLUTION AMENDING SECTIONS 58-36, ET SEQ., FULTON COUNTY**
2 **CODE OF LAWS, TO RENAME THE FULTON COUNTY PLANNING COMMISSION**
3 **AS THE FULTON COUNTY COMMUNITY ZONING BOARD;**
4 **TO ESTABLISH DUTIES; AND FOR OTHER PURPOSES**

5 **WHEREAS**, the Fulton County Board of Commissioners has adopted certain provisions
6 regarding the powers and duties of the Fulton County Planning Commission, which provisions are
7 codified in the Fulton County Code of Laws (1997) as Sections 58-36 through 58-42, as well as Section
8 58-77; and

9 **WHEREAS**, the Board of Commissioners finds that the public welfare will be served by making
10 certain amendments to those Code Sections;

11 **NOW, THEREFORE, BE IT RESOLVED** that the following sections of the Fulton County
12 Code are hereby amended as follows:

13 **Section 1.** Article II of Chapter 58, Fulton County Code of Laws, is hereby renamed
14 "Community Zoning Board".

15 **Section 2.** Section 58-36, Fulton County Code of Laws is hereby amended to read as follows:
16 "Sec. 58-36. Membership; composition; appointment; terms; vacancies; removal.

17 The Fulton County Board of Commissioners shall appoint seven (7) members to
18 a Community Zoning Boards for unincorporated Fulton County. Appointments shall be
19 made as follows:

20 Each member of the Fulton County Board of Commissioners shall nominate, for
21 full Board approval, a member to the Community Zoning Board. All members shall be
22 residents of Fulton County. The Community Zoning Board shall review and make
23 recommendations to the Board of Commissioners (as such powers are defined in this
24 Chapter) regarding properties located within, and matters affecting, unincorporated
25 Fulton County. Members of the Community Zoning Board will be provided periodic
26 training, as determined by the Director of the Department of Environment and
27 Community Development.

28 From the membership of the Community Zoning Board, the Board of
Commissioners shall appoint a Chair and Vice-Chair, to serve no more than two (2)
years. The Vice-Chair may be appointed to the duties of the Chair when deemed

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necessary by emergency or when the Chair is no longer able to perform those duties assigned, as determined by the Board of Commissioners. The duty of the Chair shall be to conduct the meetings in accordance with the procedures set forth herein, and the Vice-Chair shall conduct the meetings in the Chair's absence. The members shall serve a term consistent with that of the member of the Board of Commissioners making the nomination. Members shall serve no more than two (2) terms, either consecutive or non-consecutive.

Members of the Community Zoning Board serve at the pleasure of the Board of Commissioners and may be removed upon motion of the nominating Commissioner and affirmative vote of a majority of the Board of Commissioners. No member of the Community Zoning Board shall hold any other appointive or elective public office or position in unincorporated Fulton County during such member's term. Any vacancy in the membership shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. An appointment to fill any vacancy on the Community Zoning Board shall be for the remainder of the unexpired term of office. Compensation of the members of the Community Zoning Board shall be fixed by the members of the Board of Commissioners."

Section 3. Section 58-37, Fulton County Code of Laws is hereby amended to read as follows:
"Sec. 58-37. Organization; rules; staff; officers; finances.

The Community Zoning Board shall meet at least once each zoning cycle, at the call of the Chair, or at such other times as the Community Zoning Board may determine necessary, following, at a minimum, all standards set forth in the Georgia Open Meetings Act.

In addition to the powers set forth in Section 58-38, the Community Zoning Board shall review rezoning and use permit applications for property located within unincorporated Fulton County and, in this regard, shall perform the functions of planning commissions as may be required by state law. Corrected or amended documents, including plans and drawings, to be presented to the Community Zoning Board for

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consideration during a public hearing must be provided to Fulton County staff no later than the close of business ten business (10) days prior to the regularly scheduled meeting of the Community Zoning Board. Presentation of new documents not processed by staff in the manner described herein shall not be considered by the Community Zoning Board.

Community Zoning Board meetings shall include a public hearing on each item, during which both the applicant and any persons opposed to the application may make presentations. Said presentations shall be ten (10) minutes in length for each side, unless otherwise extended by the Chair. Rebuttal by either party will be allowed, as will a final statement by the applicant, if the applicant's ten (10) minute time allotment permits. In addition, members of the Community Zoning Board may ask questions of any interested person present at the hearing.

At the close of the public hearing for each item, the Chair of the Community Zoning Board shall call the members to order for consideration and voting on the issue currently before them. The vote of the Community Zoning Board shall be for one of the following recommendations to the Board of Commissioners only: 1) approval as presented by the applicant; 2) approval as recommended by staff; 3) deferral, if such deferral is the recommendation of staff; 4) denial; or 5) conditional approval subject to staff's review of a private agreement between the applicant and adjacent or nearby property owners. The Community Zoning Board shall present a written report to the Board of Commissioners within fourteen (14) business days after its meeting to report its findings and recommendations from said meeting.

The Community Zoning Board shall adhere to these rules for the transaction of business and keep a record of its transactions, findings, and determinations, which shall be a public record."

Section 4. Section 58-38, Fulton County Code of Laws is hereby amended to read as follows:
"Sec. 58-38. Principal powers and duties.

It shall be the function and duty of the Community Zoning Board to make recommendation(s) for action by the Board of Commissioners on the following: all

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applications for rezonings, applications for use permits, amendments to the text of the Fulton County Zoning Resolution, and amendments to the text of the Fulton County Comprehensive Plan and the associated Plan Map; provided, however, that nothing contained herein shall prevent the Board of Commissioners from hereafter assigning other duties to the Community Zoning Board."

Section 5. Section 58-39, Fulton County Code of Laws is hereby deleted in its entirety.

Section 6. Section 58-40, Fulton County Code of Laws, is hereby deleted in its entirety.

Section 7. Section 58-41, Fulton County Code of Laws, is hereby deleted in its entirety.

Section 8. Section 58-42, Fulton County Code of Laws, is hereby deleted in its entirety.

Section 9. The first sentence of Section 58-77, Fulton County Code of Laws, is hereby amended to read as follows, with all remaining sentences of Section 58-77 remaining unchanged:

"Sec. 58-77. Plan and resolution.

The Board of Commissioners may exercise the powers set forth in Section 58-76 of this article and, for the purposes therein mentioned, may divide unincorporated Fulton County into districts of any number, shape, and size as it may determine; and within these districts it may regulate the erection, construction, reconstruction, alteration, and use of buildings and structures and the use of land."

BE IT FURTHER RESOLVED, that this Resolution shall become effective thirty (30) days following adoption, at which time all resolutions and parts of resolutions in conflict with this Resolution shall be automatically repealed to the extent of the conflict.

BE IT FURTHER RESOLVED that the Clerk to the Commission is directed to forward a copy of this Resolution to the Municipal Code Corporation such that the above amendments may be incorporated into the codified version of the Fulton County Code of Laws.

(Signatures on following page)

1 **SO PASSED AND ADOPTED** this 20th day of June, 2001.

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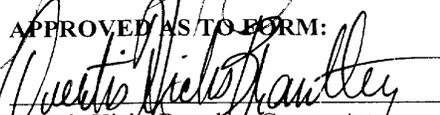
Sponsored by:


Mike Kenn, Chairman
District 1, at-large

ATTEST:


Justine Boyd, Clerk to the Commission

APPROVED AS TO FORM:


Overtis Hicks Brantley, County Attorney

0597 RCM 6 20 01 A.M. RECESS MEETING