ORDINANCE 2020-05

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND CHAPTER 2 ADMINISTRATION BY ADDING ARTICLE X – PLANNING COMMISSION; TO AMEND CHAPTER 8 ENVIRONMENT AND LAND DEVELOPMENT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that CHAPTER 2 ADMINISTRATION of The Code of the City of Stone Mountain, Georgia be amended as follows:

1. To add ARTICLE X – PLANNING COMMISSION as follows:

Sec. 2-307. - Purpose.
In support and furtherance of its intent to promote the health, safety, aesthetics, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of Stone Mountain; encouraging the most appropriate use of land in accordance with a land use plan for the development of the city;

The Mayor and Council of the City of Stone Mountain hereby declares it to be the purpose and intent of this article to establish a uniform procedure for appointment of the City of Stone Mountain Planning Commission; to provide for the powers and duties of the planning commission, assistance by the city, and bylaws for the planning commission. The purpose of the planning commission is to discuss, to review, and to make recommendation related to zoning requests, code text amendments, land use permits, and other zoning decisions subject to the Georgia Zoning Procedures Act. The planning commission makes recommendations on applications that are ultimately decided upon by the Mayor and Council.

Sec. 2-308. - Definitions.
For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Planning commission means the City of Stone Mountain Planning Commission.

Sec. 2-309. - Creation and appointment.
(a) There is hereby created a commission whose title shall be "City of Stone Mountain Planning Commission" (hereinafter referred to as "planning commission"). The planning commission shall consist of no less than three (3) and no more than seven (7) members. Members of the planning commission shall be residents of the city for at least one (1) year prior to taking office and a majority of members shall be persons who have demonstrated special interest, experience or education in land use, planning, and/or redevelopment.
(b) The governing authority shall take action as may reasonably be required to inform City residents that an opening exists on the planning commission. The governing authority shall accept applications from interested individuals, review the applications and recommend a short list of potential candidates to the mayor. The mayor shall nominate individuals from the short list for confirmation of appointment by the council no later than the work session next following receipt of the short list.

(c) The term of office for members appointed to the planning commission shall be three (3) years except for the initial appointments.

(1) The term of office for initial appointments shall be set by the governing authority as follows:
   a. Three (3) appointments shall be for a term of three (3) years beginning on August 1, 2020.
   b. Two (2) appointments shall be for a term of two years beginning on August 1, 2020.
   c. Two (2) appointments shall be for a term of one year beginning on August 1, 2020.

(2) Should a member of the planning commission be unable to complete their term of office the governing authority shall fill the remainder of the term of office in the same manner as provided in section 2-309.

(d) Members of the planning commission shall serve without compensation but may be reimbursed for reasonable expenses subject to the purchasing policies and procedures of the city.

(e) Members of the planning commission shall serve at will and may be removed at any time by the city council unless otherwise provided by law.

Sec. 2-310. - Powers and duties.
The planning commission shall:

(1) Have review, recommending, and/or approving authority as provided for in applicable sections of the Code of Ordinances of the City;

(2) Hear amendments and recommend to the governing authority any amendments to the Code of Ordinances of the City under which the planning commission has review, recommending and/or approving authority;

(3) Make such investigations and studies of matters relating to land use, planning, and redevelopment, including consultation with planning and/or zoning experts or other persons, as the governing authority, the City Manager, or the planning commission may itself, from time to time, deem necessary or appropriate for the purpose of hearing and/or deciding upon land use, planning, redevelopment, and/or zoning matters;
Sec. 2-311 - Assistance by city.

The governing authority shall provide technical and clerical assistance as the planning commission may require and shall maintain permanent and complete records of the activities of the planning commission. The City Clerk shall serve as secretary for the planning commission.

Sec. 2-312. - Bylaws.

The planning commission shall adopt rules and procedures, such as bylaws and guidelines, for the transaction of its business and for consideration of applications. Bylaws shall not conflict with regulations and procedures that are provided for within the Code of Ordinances of the City. The planning commission shall have the prerogative to adopt reasonable rules and standards without amendment to this article or the vote of the governing authority. Bylaws shall include the requirement of members to complete land use, planning, redevelopment, zoning related educational sessions. The planning commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The planning commission will meet at least monthly unless the chair determines that insufficient business warrants holding a meeting, in which case the planning commission shall meet the following month. A quorum shall consist of a majority of the appointed members.

The planning commission shall elect a chair and such other officers as it deems appropriate from among its members. Officers shall serve one-year terms and shall be eligible for reelection. The planning commission shall elect its initial officers at the first meeting following their appointment and thereafter in January of each year.

PART II

The Council of the City of Stone Mountain hereby ordains that CHAPTER 8 ENVIRONMENT AND LAND DEVELOPMENT of The Code of the City of Stone Mountain, Georgia be amended as follows:

1. All references to the term “planning and zoning committee” found in CHAPTER 8 ENVIRONMENT AND LAND DEVELOPMENT, ARTICLE II, FLOOD DAMAGE PREVENTION shall be deleted and inserted in lieu thereof shall be the term “planning commission”.

PART III

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV

This ordinance was proposed by Council Member Johnson with a motion to adopt. Thereafter, the motion was seconded by Council Member Hollis. Le Council Members voted in favor of the motion and 0 Council Members voted against the motion.

SIGNATURES ON NEXT PAGE

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Pat Wheeler, Mayor

Mallory Minor, City Clerk

Approved as to form:

Joe Fowler, City Attorney

First read: 5/21/2020

Second read: 6/2/2020

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