

**RULES OF PROCEDURE
ZONING REVIEW BOARD
CITY OF ATLANTA, GEORGIA**

Section 1. Annual Meeting.

An annual organizational meeting of the Zoning Review Board shall be held by June 1 of each year, the date, time and place of such meeting to be specified in a written or electronic notice sent by the Secretary at least five (5) days prior to the date of such annual meeting. The annual meeting shall be devoted to the election of officers, the consideration of rule changes, and such other business as shall be specified in the notice, except that no public hearing on proposed amendments to the text of the Zoning Ordinance, proposed amendments to the official zoning maps, requests for Special Use Permits, or requests for site plan amendments (all four of which are hereinafter referred to as applications) shall be held during such annual meeting.

Section 2. Regular Meetings.

Regular meetings of the Zoning Review Board shall be held on a monthly basis. To meet the requirements of Section 9 of these Rules, or when otherwise deemed necessary by the Secretary and with the concurrence of the Chair, the Board may hold more than a single regular meeting in a given month. Such meetings shall be held in City Hall in the Council Chamber or at such other public place in the City of Atlanta designated by the Board at the time the call for each meeting is made and published. Each meeting and each continued or adjourned portion thereof shall be convened at 6:00 o'clock p.m. or at such other specific time as is set forth in the call and published notice thereof. When proposed amendments are to the text of the Zoning Ordinance only, such meetings shall be held in City Hall or in some other centrally located public building.

Section 3. Special Meetings and Workshops.

The Zoning Review Board may hold special meetings and workshops with the staff of the Office of Planning as needed for technical assistance to the Board, reviews of the Comprehensive Development Plan and related matters so long as no action is to be taken on applications, rules of the Board or other official action. Such special meetings and workshops shall be held at a time and place designated in the notice of such meeting.

Section 4. Quorum.

A majority of the then appointed members of the Zoning Review Board shall constitute a quorum for any meeting, although any number of members less than a quorum may convene any meeting for the sole purpose of securing the attendance of additional members to obtain a quorum or to adjourn and reconvene from time to time until a quorum is present or is reconstituted.

Section 5. Voting. At all meetings of the Zoning Review Board 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. On every such question, the vote of each member shall be recorded in the minutes and the action of the Zoning Review Board on each application shall be recorded on the cover of the Ordinance. No demonstration by any person will be permitted during the meeting and any member of the Board shall be recognized by the Chair at any time on a point of order directed to action terminating any such demonstration which occurs, and/or the ejection from the meeting of any person or persons responsible for any such disturbance, or such other action deemed necessary to maintain proper order and decorum. Any action taken by the Board may be reconsidered on a motion made immediately following the announcement of the vote on such action and prior to the commencement of the following case on the agenda; with the exception of the last case on the agenda in which such motion shall be made prior to the adjournment of the meeting.

If a board member abstains from a vote, he or she shall state, on the record, the reasons for the abstention.

Section 6. General Rules of Procedure.

All meetings of the Zoning Review Board shall be conducted in accordance with Roberts Rules of Order unless otherwise provided in the Rules of the Board or other applicable law.

Section 7. Notices.

All notices of meetings shall issue over the signature of the Chair of the Zoning Review Board, or the Secretary's signature, and shall be mailed to each member at such address as the member shall furnish in writing to the Secretary, at least five days prior to the date of any meeting set in the notice, except that notices of regular meetings shall be mailed no later than two days after the first advertisement of a public hearing on a proposed application appears in the appropriate newspaper for the first time. All such notices shall list matters to be considered by the Board at each meeting. Any member desiring a matter to appear on the agenda for any meeting shall provide a written description of such matter

to the Chair at least three days prior to the date that notice of such meeting must be mailed and the Chair shall include such matter in the notice unless the matter could not be acted upon by the Board under these rules or any other applicable law.

Section 8. Order of Business.

At all regular meetings of the Zoning Review Board, the following shall be the regular order of business which shall not be changed for any meeting except by unanimous vote of all members present at such meeting:

- A. Introduction and rules for conduct of meeting; matters pertinent to the functioning of the Board.
- B. Introduction of members of Board and staff.
- C. Adoption of agenda for meeting.
- D. Summary consideration of requests for deferral of applications.
- E. New business.
- F. Old business.
- G. Adjournment.

Section 9. Limitation on Number of Applications for Agenda.

It is the intent of the Board in establishing this rule that regular meetings of the Board begin at 6:00 p.m. and that all business be concluded by 11:00 p.m. Therefore, the agenda for any meeting of the Board is limited to eleven applications with paired applications affecting the same or substantially the same parcel of land counting as a single case. Following the closing date for each Board meeting, the Secretary shall determine the total number of applications filed for said meeting and the number of deferred applications continued to said meeting. If said total number exceeds eleven, or if in the opinion of the Secretary the cases, even though numbering less than eleven, are such as will likely require extended consideration that will render improbable the conclusion of the meeting by 11:00 p.m., the Secretary shall divide the applications in a manner which in the judgment of the Secretary will result in two meetings of approximately the same time duration. The first of these two meetings shall be held on the monthly meeting date established in the annual calendar of the Board and the second meeting shall be held on the Tuesday or Thursday next following that scheduled monthly meeting date. The Secretary shall establish the date of the second meeting taking into account the availability of a quorum of the Board, the availability of staff, the availability of the Council Chamber for conduct of the meeting, and potential conflict with holidays. Immediately upon determining that due to the number of applications to be heard that a

second monthly meeting is necessary, the Secretary shall give notice to the Chair and the members of the Board, the President and members of City Council, the Chairs of all Neighborhood Planning Committees, and all owners, applicants, agents and attorneys having applications pending before the Board and therefore being affected by said schedule. In the event that the scheduled items for a given meeting are not concluded by 11:00 p.m., the Board shall conclude the business after 11:00 p.m. with all deliberate dispatch, provided that under no circumstances shall the Board begin hearing a new application after 11:59 p.m.

Section 10. Adoption of Agenda.

The Board shall as its third item of business at each regular meeting adopt the agenda for said meeting with requests for deferral being heard first, new applications being heard next, and deferred applications being heard thereafter. Upon motion properly made, seconded, and supported by a majority of Board members present, applications on the published agenda for a regular meeting may be moved to the beginning of the agenda for consideration of deferral. The discussion by all parties and the vote by the Board on any such request for deferral of an application shall be limited to a total of five minutes and shall avoid discussion of the merits of the application. If a motion to defer consideration of any such application fails to receive the votes of a majority of the Board members present at the meeting, the application shall be returned to its place on the published agenda for hearing. This initial action by the Board shall not preclude their deciding, after later hearing the case in its place on the published agenda, to vote to defer the application.

Section 11. Officers.

The officers of the Zoning Review Board shall be a chair and a vice-chair elected by the members of the Board from their membership at the annual meeting to serve one-year terms or until their successor is elected and qualifies, and a secretary who shall be an official or employee of the City of Atlanta and shall serve a one-year term or until a successor secretary is elected and qualifies.

Section 12. Duties and Functions of Officers. The duties and functions of the officers of the Zoning Review Board shall be:

A. Chair.

1. To preside at all meetings of the Board and to maintain order and decorum during the course thereof;
2. To call all meetings of the Board in accordance with these rules and applicable law and to verify that written notices and advertisements for all such meetings are in proper form;

3. To execute official documents on behalf of the Board and to conduct all correspondence on behalf of the Board;
4. To determine that all actions taken by the Board are, in form and substance, properly taken, and to seek assistance of City Government in such respect and, particularly, to issue written requests for opinions from the Law Department of the City of Atlanta where questions of law appear to be involved in any such determination.
5. To appoint a member of the Board to serve as parliamentarian.

B. Vice-Chair.

1. In the event of absence, disability or disqualification of the Chair, the Vice-Chair shall perform all of the duties and functions of the Chair.
2. In the event of absence, disability or disqualification of both the Chair and Vice-Chair, the Board, by majority vote of those present shall select an Acting Chair who shall then have authority to perform all of the duties and functions of the Chair for the duration of that meeting.

C. Secretary.

1. To record, transcribe and certify minutes of all meetings of the Zoning Review Board in appropriate form as required by applicable law and to keep the originals thereof in an appropriate minute book;
2. To prepare and mail all notices required by these rules or by any other applicable law;
3. To prepare and distribute the agenda for all meetings of the Board;
4. To act as custodian of all written records and other documents of the Board;
5. To respond to correspondence directed to the Board under the direction of the Chair and to assist the Chair and the members of the Board in responding to all such correspondence;
6. To administer the receipt and disbursement of funds allocated to the Board in accordance with applicable law and finance regulations and policies and directives of the Board;
7. To certify or attest all official documents or actions of the Board;
8. To give written notice to the Chair of any vacancy which may occur in any of the offices and to give immediate written notice to the Mayor and President of Council of any vacancy which occurs among the members of the Zoning Review Board.

Section 13. Discussion of Applications Prohibited outside Meetings of the board.

No member of the Zoning Review Board shall discuss any application pending before the Board with any member of the public outside the confines of meetings of the Board. Board members may inform persons of the rules of procedure of the Board and may direct persons to appropriate staff members to obtain information regarding applications pending before the Board.

Section 14. Participation in Neighborhood Planning Committee Meetings by Members of Board.

No board member shall participate in or express any view or opinion regarding any application pending before the Zoning Review Board during the presentation or consideration of such an application by a Neighborhood Planning Committee or any subcommittee thereof.

Section 15. Conflicts of Interest.

No member shall knowingly vote or participate in the hearing or deliberation of any case where the member:

Has a financial interest in the subject matter of the case, or is a party to the case, individually or as a fiduciary, regardless of whether that financial interest is held in the name of the member, the spouse of the member, or a minor child of the member; or the spouse of the member, or a person related within the third degree to either of them (calculated according to the civil law system) or the spouse of such a person: is a party to the proceedings, or an officer, director or trustee of a party; is known by the member to have a financial interest that could be substantially affected by the outcome of the proceedings; or is likely to be a material witness at the hearing.

Any Board member who is disqualified shall be counted in determining a quorum. Board action shall be determined by the affirmative vote of the majority of qualified members unless the qualified members and all parties agreed on the record to full participation by all disqualified members.

No member of the Board shall appear for, represent or advise any party in or with respect to any case pending before the Board in which such member shall sit. A member may inform any person on any matter of practice or procedure of the Board.

The Secretary shall not appear for or represent any party, except the Director of the Office of Planning, for any matter pending before the Board. The Secretary shall not act as private or personal counsel for any party with respect to any case pending before the Board.

Section 16. Presentations.

The proponents and others supporting an application shall have ten minutes to present the reasons and arguments in favor thereof to the Zoning Review Board. Such time may, upon the request of the proponent, be divided between presentation and rebuttal at the conclusion of the time allowed for opponents. At the conclusion of the presentation, those opposed to the application shall be allowed a total of ten minutes to present the reasons and arguments for such opposition. Any party in interest with respect to any application may submit any written, illustrated or other materials in support of their position to the Secretary during or before the public hearing. The Board may by vote of a majority present extend equally the time available to proponents and opponents for presentation, or rebuttal of the reasons and arguments on the application, as the Board shall consider appropriate.

Section 17. Site Inspections.

Members of the Board may inspect each site that is the subject of an application pending before the Board or may view a videotape which the Secretary may cause to be prepared for the Board showing each of the subject sites and its environs. The failure of any member to visit any site shall not preclude said member from full participation in the deliberations of the Board regarding such application.

Section 18. Minutes.

The Secretary shall assure that a taped recording is made of the proceedings of each regular and special meeting of the Board. In addition the Secretary shall cause to be prepared a written summary transcript of the proceedings of each regular and special meeting of the Board. The minutes of each meeting of the Zoning Review Board shall specifically show at least the names of the members present, a description of each item of business considered, an accurate record of the vote of each member on any question decided by the Board, the substance of all statements made by any person having the floor at any time during a meeting, and of findings of fact, conclusions and actions by the Board as required by applicable law.

Section 19. Supporting Documents.

All documents, maps, drawings, photographs, letters and other writing properly presented to the Zoning Review Board with respect to any application or other matter considered by the Board shall be kept by the Secretary as a part of the official records of the Zoning Review Board. With the consent of the Chair, the owner of any such part of the record may substitute a true, correct and complete copy for the original.

Section 20. Amendments to Rules of Procedure for Remote Virtual Hearings

When necessary and pursuant to the Open Meetings Act, O.C.G.A. 50-14-1, hearings may be held via Zoom, or another virtual teleconferencing platform, using the current Zoning Review Board Rules of Procedures for in-person hearings with the following amendments:

A. Submission of Application Materials:

1. Sign posting affidavits are to be sent to the Zoning Review Board meetings electronic mailbox five days prior to the hearing.
2. Applicants will be required to submit additional materials at least by 2:00 PM the day of the hearing to the Zoning Review Board meetings electronic mailbox. Materials will be time stamped in the mailbox and will be considered as received during the hearing.
3. Board members will be sent application materials/documents via Sharepoint or email prior to the hearing.

B. Hearing Agendas and Staff Reports:

1. Hearing agendas will be posted online.
2. Staff reports will be posted online.

C. Hearing Procedures:

1. The public/applicants will be required to pre-register with their application number (case number they wish to speak to), name, and address to gain entry.
2. At the beginning of the meeting, all parties will be muted.
3. The public/applicants will be allowed to speak by raising their hand in Zoom or selecting #9 on their phone.
4. When unmuted all speakers are required to state the case number, their full name, and address. Please note that there is only a total of 10 minutes allotted for speakers in favor of an application and a total of 10 minutes allotted for speakers in opposition of an application. The Board may extend time in accordance with their rules.
5. Hearing presentations will be managed by Staff during the meeting. Applicants are required to provide a picture of the property and the sign prior to the meeting.
6. As needed, to limit talking over each other, the Chair will acknowledge a Board member who wishes to speak or ask questions.
7. Before each vote Board members will do a roll call to ensure a quorum or the Board members will share their screen to ensure a quorum.
8. The Chair or Secretary will ask each member to state their vote orally for the record on each application considered.

D. Recording and Reporting:

1. Meetings will be recorded (visual and audio) in Zoom.
2. The marked agenda (report of the Zoning Review Board) will be posted online the morning after the Zoning Review Board hearing.

E. Contingency Planning:

1. If the live feed is lost, the Board will wait 10 minutes for it to reestablish. If the feed does not reestablish then the meeting will be cancelled, and applications not heard rescheduled to the next available meeting.
2. If an applicant loses their connection and cannot be reconnected, the Chair will take a vote to move that matter to the end of the meeting and Department of City Planning staff will continue to attempt to contact the applicant. Where the applicant cannot be reconnected at that meeting, the Board will postpone hearing that matter.
3. If a non-applicant party loses their connection staff will do everything possible to reconnect the party. The Board will have discretion to move the item to the end of the agenda.

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I hereby certify that this is a true and correct copy of the Rules of Procedure of the Zoning Review Board of the City of Atlanta, adopted at the regular meeting of the Board on July 23, 2020, to be effective July 24, 2020. I further certify that a true and correct copy of these Rules of Procedure was filed with the Municipal Clerk pursuant to the requirement of the Code of Ordinances of the City of Atlanta.



Chair, Zoning Review Board

7/23/2020

Date