

FIRST READING April 10, 2018

ADVERTISED _____

PASSED May 8, 2018

AN ORDINANCE NO. 2018-05-08(1)

AN ORDINANCE TO AMEND, UPDATE AND REPEAL CERTAIN PORTIONS OF THE CITY OF BLUE RIDGE, GEORGIA ORDINANCES PERTAINING TO THE COMPOSITION, APPOINTMENT, TERMS, PROCEDURE AND OTHER MATTERS REGARDING THE CITY OF BLUE RIDGE PLANNING COMMISSION AND THE CITY OF BLUE RIDGE ZONING BOARD OF APPEALS; TO ABOLISH AND RECONSTITUTE THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS SO AS TO PROVIDE FOR CONCURRENT SERVICE AND EFFICIENT GOVERNMENT; AND FOR OTHER PURPOSES;

WHEREAS, the City of Blue Ridge, Georgia, has an outdated ordinance pertaining to the City Planning Commission and desires to update said ordinances and also wishes to make certain changes to the ordinances governing the Zoning Board of Appeals to allow for concurrent service on both bodies; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that the certain changes set forth herein will be consistent with the provisions set forth in the City Charter, Ga. Const. Art. 9, §2, Para. IV, O.C.G.A. § 36-66-1 et seq.; O.C.G.A. § 36-70-1 et seq. and other applicable law;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, as follows:

SECTION 1

CITY PLANNING COMMISSION

The following changes shall be made to Sections 31.090 to 097 of the City of Blue Ridge Ordinances:

§ 31.090 AUTHORITY FOR ESTABLISHMENT is hereby amended to read as follows:

The City of Blue Ridge Planning Commission, hereinafter referred to as the Planning Commission, is created and established as authorized by the City Charter, Ga. Const. Art. 9, §2, Para. IV, O.C.G.A. § 36-66-1 et seq., O.C.G.A. § 36-70-1 et seq. and other applicable law.

§ 31.091 CREATION AND MEMBERSHIP is hereby amended to read as follows:

The Planning Commission shall consist of five (5) members who shall be at least twenty-one (21) years of age, of good moral character and residents of the City of Blue Ridge, Georgia or Fannin County, Georgia. Each Councilmember will have one appointment to the Planning Commission and each appointee shall serve four-year terms which shall run concurrently with the terms of the Mayor and City

Council. Vacancies upon the Planning Commission shall be filled in the same manner as the original appointment for the unexpired term of the member. There shall be no compensation for members of the Planning Commission, but they shall receive reimbursement of reasonable and necessary expenses incurred in the performance of their duties if the prior approval of such expenses is made by the Mayor or the Mayor's designee. Any member of the Planning Commission may also serve upon the Board of Zoning Appeals. Notwithstanding the foregoing regarding the terms of the members of the Planning Commission, each member serves upon the Planning Commission at the pleasure of the City Councilmember who appointed said member, and the appointing City Councilmember shall have the full and complete right to remove his or her appointee to the Planning Commission at any time, for any reason, or for no reason. With the costs paid for by the City of Blue Ridge, all members shall be required to attend reasonable training regarding their duties while serving on the Planning Commission.

Sections 31.092 to Section 31.094 are hereby repealed.

§ 31.092 ORGANIZATION, RULES OF PROCEDURE is hereby renumbered and amended to read as follows:

The Planning Commission shall elect its Chairperson from among its members who shall serve for one year or until he or her are re-elected or a successor is elected. The Planning Commission shall appoint a Secretary, who may

be an employee of the City. Meetings shall be held regularly each month and at such other times as the Planning Commission may decide. The meetings may be cancelled by the Chairperson if there are not matters to be acted upon by the Planning Commission. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question before it, absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be a public record. The Planning Commission may adopt by-laws or its own rules of procedure, but said rules of procedure shall comply with the requirements of Georgia law regarding zoning matters as set forth at O.C.G.A. § 36-66-1 et seq. Meetings of the Planning Commission shall comply with the Open Meetings Act under Georgia law. Three members of the Planning Commission shall constitute a quorum. A majority of the quorum present in a meeting of the Planning Commission may take action on any matter before it. A voting decision resulting in a tie vote shall cause the matter to be forwarded to the Mayor and City Council as a “no recommendation” and shall not be a recommendation of denial or approval.

§ 31.093 STAFF AND FINANCES is hereby renumbered and amended to read as follows:

The Mayor and Council shall provide such staff and finances as the Mayor and Council deem necessary for the orderly operation of the Planning Commission. The staff provided for the Planning Commission may be the same consultants and employees provided for the Zoning Board of Appeals, and which regularly handle the administrative matters regarding zoning for the City of Blue Ridge, Georgia.

§ 31.094 POWERS AND DUTIES is hereby renumbered and amended to read as follows:

The Planning Commission shall have all the powers, duties and responsibilities to hold hearings and issue recommendations as set forth at Article 24.4 of the City of Blue Ridge Zoning Ordinance, to hold hearings and issue recommendations consistent with Ga. Const. Art. 9, § 2, Para. IV, O.C.G.A. § 36-66-1 et seq., O.C.G.A. § 36-70-1 et seq. and other applicable law.

ARTICLE 23 - ZONING BOARD OF APPEALS

The following changes shall be made to Sections 23.1, 23.1-1, 23-1-4.3 of the City of Blue Ridge Zoning Ordinance:

23.1 Creation and Membership shall be amended to read as follows:

The City of Blue Ridge Zoning Board of Appeals is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Zoning

Board of Appeals. The Board shall be composed of five members who either reside within the City of Blue Ridge, Georgia or Fannin County, Georgia. The members of the Board shall be appointed by the City Council of the City to four (4) years terms which are to run concurrently with the terms of the Mayor and City Council. Each member of the City Council shall have one appointment to the Board. Vacancies upon the Board shall be filled by appointment by the City Council for the unexpired term of the member. There shall be no compensation for members of the Board, but they shall receive reimbursement of reasonable and necessary expenses incurred in the performance of their duties if the prior approval of such expenses is made by the Mayor or the Mayor's designee. Notwithstanding the foregoing regarding the terms of the members of the Board, each member of the Board serves upon the Zoning Board of Appeals at the pleasure of the City Councilmember who appointed said member, and the City Councilmember shall have the full and complete right to remove his or her appointee at any time, for any reason, or for no reason.

23.1-1. Qualifications of Members shall be amended to read as follows:

No member of the Board shall serve as a member of the City Council, or hold any office or employment with the City of Blue Ridge. Members shall be of good character and shall be at least twenty-one (21) years of age. Any member of the Board may also serve as a Planning Commissioner on the Planning

Commission. With the costs paid for by the City of Blue Ridge, all members shall be required to attend reasonable training regarding their duties while serving on the Board.

23.4-3 Hearing Procedure: The words “Planning Commission” shall be changed to “Board” to correct a misnomer.

SECTION 2:

REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia. This numbering of this ordinance may be changed for inclusion within the Zoning Ordinance or as such other place as may be deemed appropriate to codify all ordinances. In the event this Ordinance goes into effect and any City Council Person fails to appoint a person to either the Planning Commission or the Zoning Board of Appeals, the Mayor shall appoint a member or members to serve until such time as an appointment to both boards are made by all Councilmembers.

SECTION 3.

SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4.

EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b).

SO ORDAINED, this ____ day of _____, 2018.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Kelsey Ledford, City Clerk