

FIRST READING : July 10, 2018

ADVERTISED : August 22, 2018

PUBLIC HEARING: September 11, 2018

PASSED: September 11, 2018

AN ORDINANCE NO. 2018-09-11(3)

AN ORDINANCE TO AMEND AND REPEAL CERTAIN PORTIONS OF THE CITY OF BLUE RIDGE, GEORGIA ORDINANCES PERTAINING TO THE PROCEDURE AND OTHER MATTERS REGARDING THE CITY OF BLUE RIDGE PLANNING COMMISSION AND THE CITY OF BLUE RIDGE ZONING BOARD OF APPEALS; AND FOR OTHER PURPOSES;

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 31.092 of the City of Blue Ridge Ordinances:

§ **31.092 ORGANIZATION, RULES OF PROCEDURE** is hereby 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 provided, however, no meeting shall be scheduled to begin later than 6 p.m. The meetings may be cancelled by the Mayor or 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. Subject to approval by the City Attorney, tThe 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.

ARTICLE 23 - ZONING BOARD OF APPEALS

The following changes shall be made to Sections 23.2 and of the City of Blue Ridge Zoning Ordinance:

23.2 Organization shall be amended to read as follows:

The Board shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Meetings of the Board shall be held regularly each month and at such times as the Board may decide provided, however, that no meeting shall start later than 6:00 p.m. The meetings may be canceled by the Mayor or the Chairman if there are no matters to be acted upon by the Board. The Board 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, 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.

23.4-3 Hearing Procedure:

Subject to approval by the City Attorney, The Board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State

law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

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 11 day of September, 2018.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Kelsey Ledford, City Clerk