PUBLISHED August 31, 2016

ZONING HEARING September 20, 2016

FIRST READING October 11, 2016

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA; TO REVISE SECTION 13.1 TO PROVIDE THAT INTERESTED PARTIES CAN APPEAL THE DECISION OF THE BOARD OF ZONING APPEALS REGARDING AN ADMINISTRATIVE INTERPRETATION TO THE BLUE RIDGE CITY COUNCIL; TO REVISE SECTION 24.5 BY ADDING PROVISIONS REGARDING APPEALS FROM ACTION BY THE MAYOR AND COUNCIL; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia is authorized by O.C.G.A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact zoning ordinances and regulations as to land use as to property within the City of Blue Ridge, Georgia; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia desires to clarify Section 13.1 of the Zoning Ordinance as to appeals from the decisions of the Board of Zoning Appeals, and to clarify the provisions regarding appeals from the final decision of the Blue Ridge City Council regarding map amendments and other amendments of the Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and it is hereby ordained by the above-referenced authority, as follows:

SECTION 1. AMENDMENT OF THE ZONING ORDINANCE.

This ordinance shall amend the Zoning Ordinance of the City of Blue Ridge, Georgia, to revise current provisions of the Zoning Ordinance, being Sections 13.1 regarding the "Table of Permissible and Conditional Uses", and being the first paragraph of said section, but not including the actual table contained within said section, and also revising Section 24.5, with the current provisions being deleted in their entirety, and with new Sections 13.1 and 24.5 to be substituted in lieu thereof and to read as follows:

13.1 Table of Permissible and Conditional Uses. No principal building, structure, or land use shall be permitted except in the zone districts indicated and for the purposes permitted in Table-13-1. Each use is mutually exclusive and does not encompass other uses listed in the

table. A principal use denoted by the letter "X" is allowed in that zone district by right, subject to any special requirements that may be applicable to that use. A principal use denoted by the letter "C" is permitted only if a conditional use permit is granted by the Mayor and Council after review under the Zoning Procedures and Standards Ordinance, City of Blue Ridge, Georgia. For uses not listed in the following table, the Zoning Administrator can determine that said use is similar in impact and intensity to another use that is currently allowed in the zone district and shall rule that the said use is therefore allowed. In the event that no similarity exists then the proposed use is not allowed or if the interpretation of the Zoning Administrator is questioned, then the Board of Zoning Appeals properly convened, can make a judgment as to whether said use is allowed in Blue Ridge. Appeals from the judgment from the Board of Zoning Appeals shall be in accordance with Section 23.8 of this ordinance. In the event that the Board of Zoning Appeals cannot rule about a specific use, then amendment of the Zoning Ordinance shall be required to determine where such use is properly allowed.

24.5 Action by the Mayor and Council. The Mayor and Council after receiving the recommendations of the Planning Commission shall take appropriate action on the application and shall notify the applicant of the final action taken by a written notification. The action of the Mayor and Council regarding the application shall be the final legislative action taken by the City of Blue Ridge. Any party aggrieved by the final action of the City Council may within 30 days thereafter appeal therefrom to the Fannin County Superior Court by way of the court procedure for a writ of certiorari in accordance with O.C.G.A. § 5-4-1, et seq.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE 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.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause or phrase, or any 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 situation or set of circumstances shall be 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 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 upon its passage by the City Council

SO ORDAINED, this _____ day of _____, 2016.

BLUE RIDGE CITY COUNCIL

By:_____
Mayor

_____
Councilperson

_____
Councilperson

_____
Councilperson

_____
Councilperson

_____
Councilperson

Attest:

_____
City Clerk Kelsey Ledford

RDS/llc/2881/W185254