

PLANNING COMMISSION
ZONING AND LAND USE
HEARING PROCEDURES

PLANNING COMMISSION HEARING PROCEDURES

These rules, adopted pursuant to O.C.G.A. § 36-66-5, are for the purpose of establishing hearing procedures in connection with the conduct of the City of Blue Ridge Planning Commission Zoning Hearings. If any portion of these Procedures violate with the minimal required procedures set forth in the Zoning Procedures Act, the Zoning Procedures Act shall govern. See O.C.G.A. § 36-66-1 et. seq. (the “Act”).

Purpose: In accordance with 31.092 of the Ordinances of the City of Blue Ridge, Georgia, the City of Blue Ridge, Georgia is charged with the responsibility of conducting public hearings with regard to rezoning, land use permits and special land use permits.

Rules of Conduct of Business: Unless otherwise set forth herein, or temporarily suspended by an appropriate Motion which still complies with the Act, the Planning Commission shall conduct their business in substantial compliance with the following Rules of Procedure:

PROCEDURE FOR ZONING AND LAND USE HEARINGS

Section 1. Meetings

Regular Meetings

A. Regular and special meetings of the Planning Commission (also referred herein as “the Commission” or “the Commissioners”) shall be as determined in accordance with the Ordinance of the City of Blue Ridge, Georgia. Such meetings shall be convened at 6:00 P.M. on the first Tuesday of each month at City Hall, or as may be set in accordance with State law, and may not begin before the prescribed time of which the public has been notified. However, the meeting may be cancelled by the Mayor or the Chairperson if there is no business to be conducted. The City Clerk shall promptly post any cancellation at City Hall and on the City of Blue Ridge’s web site.

B. **Executive Session Meetings**

Executive session meetings shall be called by the City Attorney and conducted in accordance with O.C.G.A. § 50-14-3 and O.C.G.A. § 50-14-4, or as these sections may be amended from time to time.

Section 2. Quorum

Any three (3) of the Commissioners, or the Chairman and any two (2) Commissioners, shall constitute a quorum for any meeting of the Planning Commission.

- A. If a quorum is not present thirty (30) minutes following the scheduled hour for convening, the Chairman, the Vice-Chairman, or Secretary, or in their absence, the City Attorney (or his/her designee) may adjourn the meeting until the next day or by unanimous consent, those present may select another hour and day.
- B. If during the meeting there ceases to be a quorum, all business must stop except that the Commission, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:
 - a. fix another day at which to reconvene
 - b. adjourn and return at the next regular meeting
 - c. recess to determine if a quorum will be present within a short period of time.

Section 3. Chairman

- A. Upon proper nomination, a Chairperson shall be elected by the members of the Planning Commission, and he or she shall serve for one year or until he or she is re-elected or his or her successor is elected. The Chairperson shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Commission in session at the time. The Chairman shall have the same rights and privileges of the other Commissioners with respect to rights to make motions, debate and vote. Additionally, his/her duties during meetings shall include:
 - a. presiding over meetings of the Commission
 - b. calling the meeting to order at the scheduled hour
 - c. determining that a quorum is present
 - d. preserving decorum and order at all meetings
 - e. making the Commissioners aware of the substance of each motion
 - f. calling for the vote
 - g. announcing the results of each vote
 - h. calling for a recess at such times as deemed advisable
 - i. calling for the election of a Vice-Chairman.

Section 4. Vice-Chairman

Vice-Chairperson: A Vice-Chairperson shall be elected by the members of the Planning Commission, and he or she shall serve for one year or until he or she is re-elected or his or her successor is elected. The Vice-Chairperson shall serve as acting Chairperson in the absence of

the Chairperson. When acting as Chairperson, the Vice-Chairperson shall have the same powers and duties as the Chairperson.

Section 5. Absence of Chairman and Vice-Chairman

In the absence of the Chairman and Vice-Chairman, the Secretary or City Attorney shall determine whether a quorum is present and if a quorum is present, shall call for the election of a Temporary Chair. The Temporary Chair shall preside over that meeting or until the conclusion of the business immediately pending at the time the Chairman or Vice-Chairman arrives.

Section 6. Secretary

The City Clerk shall serve as Secretary and shall be duly confirmed at the first meeting of the Commission and shall so serve unless another person is appointed by the City Council. The Secretary shall hold office during the term of the Chairperson until a successor shall have been appointed. The Secretary, subject to the direction of the Chairperson of the Planning Commission, shall keep all records and generally supervise the clerical work of the Planning Commission, including but not limited to, the agenda and minutes of every meeting. Meeting minutes shall indicate all important facts pertaining to each meeting, every resolution acted upon, all votes taken by the members, and those members who are in attendance and who are absent from the meeting.

Section 7. City Attorney

The City Attorney or his/her designee shall serve as parliamentarian and shall advise and be the final arbiter in matters of parliamentary procedure. At any meeting, the City Attorney shall also provide any and all legal advice or legal caution he/she deems timely and appropriate and in the best interests of the City of Blue Ridge. The City Attorney or his/her designee shall also serve as the timekeeper and shall ensure that both sides have ten (10) minutes to present for and against a zoning proposal.

Section 8. Minutes

- A. All actions of the Commission, except for actions described in O.C.G.A. § 50-14-3 and § 50-14-4, or as these sections may be amended from time to time, shall be accurately recorded by the City Clerk (or his/her designee) in the minutes, which shall include:
 - a. all motions, substantially as worded when adopted (including amendments or stipulations)
 - b. the name of the maker of all important motions
 - c. disposition of all main motions, whether
 - (1) adopted/(approved/with or without deletions, stipulations or conditions)
 - (2) defeated/denied/rejected
 - (3) referred to Staff for further information or recommendations

- (4) postponed/held until _____ (a definite time)
- (5) continued
- (6) withdrawn with (or without) prejudice
- (7) dismissed with or without prejudice
- (8) referred to the City Council without recommendation

d. how each Commissioner voted

e. a Commissioner's comments are only printed in the minutes if, when requested by the Commissioner, the majority votes (or agrees by unanimous consent) to have the remarks included.

- B. The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission and shall indicate their approval. The minutes may be corrected whenever an error is noticed, regardless of the time which has elapsed.¹
- C. The minutes shall be attested to by the City Clerk.

Section 9. Zoning Agenda

- A. An agenda for the meetings will be established by the City Clerk and prepared by the Clerk to be available to the Commissioners in advance of the regular meeting. Except in cases where it is not feasible, an agenda work session will be held with as many of the Commissioners as are available to attend.
- B. While it is usual for unfinished business (that referred or held from another meeting) to be considered after new business, the order of business listed in the agenda summary may be changed by unanimous consent or by a 4/5² vote of the Commission. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

Section 10. Agenda Items

Consent Agenda

- A. A portion of the agenda may be designated as a consent agenda by the Commission and all items contained therein may be voted on en gross.
- B. Prior to any item being considered on any consent agenda, the applicant or representative must obtain and review all staff comments, conditions, and stipulations and acknowledge in writing their agreement.

¹ Mason, Paul. Mason's Manual of Legislative Procedure. The American Society of Legislative Clerks & Secretaries in cooperation with the National Conference of State Legislatures, 1989.

² Rationale: Frequently the business can be facilitated by changing the order in which business is considered. Since items are not designated a specific time, it is the responsibility of interested parties to be available throughout the meeting until items which interest them have been disposed of.

- C. Prior to the vote on the consent agenda, any Commissioner or any citizen may have an item withdrawn from the consent agenda or upon objection by the applicant of any comment, stipulation or condition the case shall be withdrawn. so that it shall be placed on the Regular Agenda for a full public hearing.

Continued Case Agenda

- A. These are cases where public hearings were not conducted due to mutual consent by the applicants and opponents or due to reasons set forth within the Zoning Ordinance.
- B. Continued cases are voted on following a public hearing conducted in accordance with the procedures outlined under the Regular Agenda Section below.

Regular Agenda

- A. These are cases, which, in the opinion of staff or the Planning Commission, raise issues which should be considered following a full public hearing.
- B. Each case will be considered in the order assigned it in the Zoning Agenda Summary except when agreed upon by unanimous consensus or upon a 4/5 vote of the Commission.
- C. State Law requires applicants and opponents of cases to complete and file zoning disclosure forms, as applicable.
- D. Representatives/applicants, as a group, and representatives/opponents, as a group, shall be given a maximum of ten (10) minutes for each side to present its case, unless, by unanimous vote, more time is allotted by Commissioners. The City Attorney and/or the City Clerk shall be responsible for keeping time. Any groups which are present are encouraged to choose a spokesperson to present their views.
- E. As each case is called, all witnesses for the applicant and opponents shall first be sworn prior to making their presentations.
- F. Voting on cases on the Regular Agenda will take place as to each case immediately following the close of the public hearing of the same case.
- G. No further public input will be allowed unless questions come through the Commission. Any question by a Commissioner and answer does not count for or against the ten (10) minute time limit set forth above.

Held Case Agenda

- A. These are cases where public hearings have already been held; however, the Commissioners delayed action due to the need for additional information or evaluation.

- B. The Land Use Division Manager or his/her designee shall present information to the Commission. The Applicant shall then again have ten (10) minutes to present any new material and any persons opposing the application shall have a collective ten (10) minutes.
- C. These cases will be voted on following the presentation and questions.

Other Business

These are items which are placed on the agenda for clarification or direction, and which may or may not require official action of the Planning Commission.

Section 11. Non-agenda Items

A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention but has not been placed on the formal agenda during the agenda planning session.

- A. Adequate information, including the specific topic, shall be given on any items requested to be added as non-agenda items.
- B. A vote of 4/5 shall be required to add a non-agenda item. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

Section 12. Comprehensive Plan and Future Land Use Map Amendments

- A. The Planning Commission, through the Planning Division, may initiate amendments to the Comprehensive Plan and Future Land Use Map.
- B. Following public hearings conducted by the Board of Commissioners, the Planning Commission shall have up to thirty (30) days within which to submit its report and recommendations on the text and map changes to the Board of Commissioners.

Section 13. Voting Session

- A. All votes shall be taken by either voice, raised hand, or electronic means, at the discretion of the Acting Chairman, except those which the Chair handles through unanimous consent, i.e., "If there are no objections ... ?" A single objection will require that a counted vote be taken. An affirmative vote of at least three Commissioners, or the Chairman and two Commissioners, shall be required to adopt a motion, except where otherwise indicated.
- B. When an entire section of the agenda has been moved to be voted upon by an en gross vote, a Commissioner may, without discussion, state that he/she is voting in the affirmative on all of the agenda items within that section except certain ones

(which he/she will name by number). In such cases, the vote of the Commissioner(s) will be recorded as negative for the items named.

- C. If a motion has been voted on without discussion and a Commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. This shall not be construed as an opportunity to repeat discussion that has already taken place at the same meeting.
- D. A tie vote shall cause all procedural motions to be defeated. A tie vote on a main motion shall authorize the Commission to then consider either holding, continuing, or referring the motion without recommendation to the Board of Commissioners. However, no vote on any application may be held for more than two additional scheduled hearing dates.
- E. No Commissioner who is present at any meeting of the Commission at which an official decision, ruling or other official act is to be taken or adopted may abstain³ from voting in regard to any decision, ruling, or act and a vote shall be recorded or counted for each such Commissioner present, except when, with respect to any such Commissioner, there is or appears to be a possible conflict of interest⁴ as an ethical consideration requires abstaining. In such cases the abstaining Commissioner shall give his/her reason for abstaining.

Section 14. Public Participation in Zoning Hearings

The City of Blue Ridge Planning Commission welcomes visitors to Zoning Hearings and is willing to hear any person or persons desiring to appear before the Commission subject to the time limits set forth in Section dealing with the Regular Agenda above and these rules as follows:

- A. All remarks must be related to the issue. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission.
 - a. A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed "out of order".
 - b. A person, once barred for improper conduct shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows.

³ "It is a general rule that a legislative body cannot only compel the attendance of its members but that it can also require them to vote unless excused by the body from voting." Mason's Manual of Legislative Procedure.

⁴ "It is a general rule that no members can vote on a question in which they have a direct personal or pecuniary interest. The right of members to represent their constituencies, however, is of such major importance that members should be barred from voting on matters of direct personal interest only in clear cases and when the matter is particularly personal." Mason's Manual of Legislative Procedure.

- c. In the event the speaker thus barred fails to obey the ruling by the Chair, the City Attorney may take such action to enforce the ruling as is deemed appropriate, including the removal of such person from the assembly.
- d. The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct.
- e. A person barred by the Commission for this period may request a hearing, by written request to the Chair, and copied to the City Attorney, stating reason(s) for a reversal of the decision.
- f. The hearing shall be placed on the agenda and heard by the Commission. A 4/5 vote of the entire Commission shall be required to overturn the previous decision to bar the person(s).

Filings and Exhibits

- A. All documentation and exhibits shall be marked and filed with the Clerk prior to presentation to the Commissioners.
- B. The deadline for receiving any additional information, changes or modifications for consideration by the Commissioners shall be 12:00 Noon on the Wednesday of the week preceding the public hearing. (In the event an applicant or opposition submits revised plats or revised information, changes or modifications after such cut-off, the applicant or opposition shall only be allowed to present such documentation at the public hearing. It shall be in the Commission's discretion as to whether or not it desires to accept the information, changes or modifications and further determine if the information merits holding the application until the next regular hearing. Should an applicant attempt to furnish such material late at a second regularly scheduled hearing, then it shall be grounds to dismiss the application with prejudice or refer the application to the Board of Commissioners with or without a recommendation.

PROCEDURE IN MEETINGS

Section 15. Motions

Prior to taking the vote, the Chair, or at his/her request the Clerk, should state the motion (or resolution) or its substance.

Section 16. Ranking motions

- A. These motions shall take precedence in order in which they are listed below:
 - a. Adjourn
 - b. Recess
 - c. Motions of privilege
 - d. Call the question
 - e. Limit discussion or debate by the Commission
 - f. Hold/continue until a time certain/dismiss/withdraw

- g. Refer back to staff/committee; or refer to staff/ committee
- h. Amend
- i. Main motion.

Section 17. Main Motion

A main motion shall be a motion whose introduction brings business before the Commission.

A. Assumed Main Motions

A recommendation from staff, or another item published in the agenda for action, shall be handled as an Assumed Main Motion by the Chair. That is, the Chair shall upon the conclusion of a report state, "The question (or motion) before you is ... " (stating the motion in the affirmative)⁵. No second⁶ will be required in these instances and the Chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.

- (1) Possible dispositions of such a motion assumed by the Chair include:
 - (a) Adopt
 - (b) Amend and adopt with amendments (or stipulations)
 - (c) Defeat
 - (d) Refer back to staff/committee; or refer to staff/committee
 - (e) Hold until __ (a definite time)
 - (f) Withdraw with or without prejudice
 - (g) Dismiss with or without prejudice.
- (2) Incidental motions such as consider en gross, consider paragraph, divide the motion may also be applied to such assumed motions.

B. Other Main Motions

(Those incidental or relating to business of the Commission. or its past or future action, or arising as Non-agenda Items) shall require a second⁷, and, if such motions fail to obtain a second the Chairman shall state, "Since there is no second, the motion is not before this meeting."

⁵ "It is preferable to avoid a motion containing a negative statement even in cases where it would have a meaning, since members may become confused as to the effect of voting for or against such a motion." Robert, Henry M. Robert's Rules of Order Newly Revised. Scott, Foresman and Company, 1990.

⁶ "The requirement of a second is for the chair's guidance as to whether he/she should state the question on the motion, thus placing it before the assembly." Robert's Rules of Order Newly Revised. It has already been determined that such item(s) are to come before the Commission.

⁷ The Commissioner who seconds a main motion~ or any procedural motion, implies that he/she wishes that the motion be discussed and voted upon, but does not indicate support for the motion and may speak for or against the motion.

Section 18. Amend

- A. If a Commissioner feels that the main motion might be more acceptable in a way other than the way presented, the Commissioner may amend through substitution, insertion of stipulations/conditions, striking out portions, or striking out and inserting portions. Such proposed amendments shall be handled in one of the following ways:
 - (1) by unanimous consent of the Commissioners. The Chair, or another Commissioner, through the Chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent
 - (2) with a second, discussion and a majority vote, on the proposed amendment.
- B. If a proposed amendment fails to obtain unanimous consent or a majority vote, or lacks a second, the main motion considered shall be the one originally presented.
- C. An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.
- D. The City Attorney shall determine whether an Amendment is improper and improper amendments shall be:
 - (1) one which is not germane
 - (2) one which would make the adoption of the amended motion equivalent to a rejection of the motion
 - (3) one which is frivolous or absurd.

Section 19. Refer

If the Commissioners feel that adequate information has not been given, the Commission may, by majority vote, refer the motion to staff (or an agency, committee, etc.) for more information. A date shall be set for hearing the additional information. This motion shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer.

Section 20. Hold/Continue Until a Time Certain

A motion to hold or continue to a time certain (postpone) may be used if a majority of the Commission feel that the matter before them should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the Commissioners themselves feel that they may obtain the information that is needed or that the facts as presented are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the matter or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was

on the floor prior to the motion to hold. However, the Planning Commission shall not hold any application for more than two additional scheduled hearings. (As amended 9/7/04)

Section 21. Limit Discussion or Debate by the Commission

If a Commissioner feels that a set period of time for discussion of a motion should be limited as to time for the motion as a whole, or as to individual time given, the Commissioner may move to "limit discussion (or debate) to _ minutes." This motion shall require a second and no discussion on the motion shall be allowed. It shall require a 4/5 vote to adopt. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

Section 22. Call the Question

A Commissioner may "call the question" (a motion to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a 4/5 vote to adopt. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

Section 23. Recess

A recess may be taken as it appears on the agenda, declared by the Chair when he/she deems it advisable, or by a motion from a Commissioner. If the motion is made by a Commissioner, a second and an affirmative majority vote shall be required to recess.

Section 24. Adjourn

The highest ranking motion shall be the motion to adjourn, requiring a second and a majority vote with no discussion allowed, except that the motion shall contain a time to hear any uncompleted items on the agenda, if such exist. If all business on the agenda has been completed, the Chair may assume the motion, and without a second, obtain unanimous consent to adjourn.

Section 25. Amend Something Previously Adopted

If a Commissioner wishes to amend an action taken at a previous meeting, the motion to amend something previously adopted should be used. This motion shall be used when a matter which was previously adopted by the Commission needs to be amended. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda a majority vote shall be required for adoption. A vote of 4/5 shall be required if the item is not on the official agenda. Should only four (4) members of the Commission be present, a unanimous vote shall be required.

Section 26. Reconsider

If in the same meeting, new information or changed situations make it appear that a different result might reflect the will of the Commission, any Commissioner (regardless of how he/she

originally voted on the matter) may move to reconsider the vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision but simply shall propose that the motion be reopened for discussion and another vote taken. A second shall be required to this motion and discussion shall be allowed as to the reasons for wishing to reconsider the vote. A majority vote shall be required to adopt the motion to reconsider.

- A. **Parliamentary Inquiry:** A parliamentary inquiry is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Commission. The Chair will ask the City Attorney for a ruling or to provide the answer. The Chair is not obligated to respond to hypothetical questions.
- B. **Divide the Motion** If the motion presented contains two or more parts capable of standing as separate motions, a Commissioner may move to "divide the motion." This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."
- C. **Consider by Paragraph:** If a main motion is in the form of a resolution or document containing several paragraphs or sections which are not separate motions but could be discussed more efficiently if it is discussed in sections, the motion to discuss by paragraphs, sections, or numbered agenda items may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, sections or numbered agenda items."
- D. **Request to Withdraw a Motion:** Once a motion has been moved and seconded it belongs to the entire Commission and not to the maker of the motion; therefore, if a Commissioner wishes to withdraw a motion that is officially before the Commission, action of the Commission must be taken in either of the following ways:
 - (a) the Chair may ask the Commission if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the seconder to withdraw his/her second
 - (b) if there is an objection to the motion being withdrawn then the Chair shall take an official vote, a second is required. A majority vote shall be required to adopt the motion to "withdraw the motion".
- E. **Consider En Gross:** If a Commissioner feels that time could be saved by acting on all of the agenda items under a section~ he/she may move that it be "considered en gross."

Section 27. Parliamentary Authority

These latest edition of **ROBERTS' RULES OF ORDER NEWLY REVISED** shall govern the City of Blue Ridge Planning Commission in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners or State law. The City Attorney shall provide a ruling whether said Robert Rules of Order apply to a specific matter or whether there is another law or procedure which governs the matter.

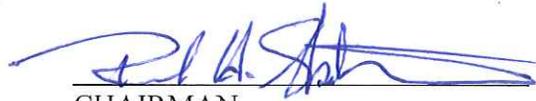
Section 28. Amendments

Subject to approval by the City Attorney, the rules may be amended by a 4/5 vote of the entire Commission at a regular meeting of the Planning Commission, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

WAIVER OF THESE RULES

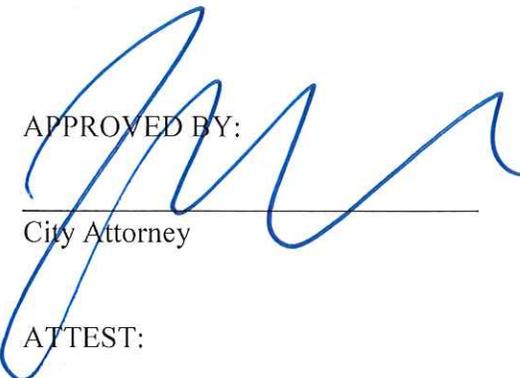
Upon proper Motion by a Planning Commissioner, a proper second and a unanimous approval by the Commission, these rules may be suspended for any purpose deemed necessary and appropriate. The suspension may be for one specific item or for numerous items. However, the suspension shall last no longer than the meeting in which these Rules were suspended. In the event of a suspension, and unless other procedures are adopted, Roberts Rules of Order shall be the procedure followed.

ADOPTED this, 1st day of August, 2018.



CHAIRMAN

APPROVED BY:



City Attorney

ATTEST:



CITY CLERK/SECRETARY