

FIRST READING July 13, 2023

SECOND READING August 15, 2023

PASSED August 15, 2023

**AN ORDINANCE NO. BR2023-19**

**AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE III (“DEPARTMENTS, BOARDS AND COMMISSIONS”), DIVISION 2 (“CITY PLANNING COMMISSION”) AND DIVISION 3 (“BOARD OF ZONING APPEALS”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA WITH RESPECT TO MEETINGS AND RESPONSIBILITIES OF THE CITY PLANNING COMMISSION AND TO ELIMINATE THE BOARD OF ZONING APPEALS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, previously created and established the City Planning Commission and the Board of Zoning Appeals;

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, finds it in the public interest to further clarify the meetings and responsibilities of the City Planning Commission and to eliminate the Board of Zoning Appeals.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 2 (“City Planning Commission”) and Division 3 (“Board of Zoning Appeals”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

**SECTION 1.**

**AMENDMENT TO CHAPTER 2  
 (“ADMINISTRATION”), ARTICLE III  
 (“DEPARTMENTS, BOARDS AND  
 COMMISSIONS”), DIVISION 2 (“CITY PLANNING  
 COMMISSION”)**

Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 2 (“City Planning Commission”) of the Code of the City of Blue Ridge, Georgia, is hereby amended as shown on Exhibit “A” attached hereto.

**SECTION 2.**

**AMENDMENT TO CHAPTER 2  
 (“ADMINISTRATION”), ARTICLE III  
 (“DEPARTMENTS, BOARDS AND  
 COMMISSIONS”), DIVISION 3 (“BOARD OF  
 ZONING APPEALS”)**

Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 3 (“Board of Zoning Appeals”) of the Code of the City of Blue Ridge, Georgia, is hereby amended as shown on Exhibit “B” attached hereto.

**SECTION 3. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall 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 effect the portions 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 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. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

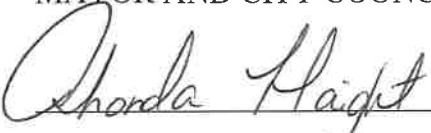
All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, 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 5. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this 15 day of August, 2023.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

  
\_\_\_\_\_  
Mayor, City of Blue Ridge

  
\_\_\_\_\_  
Clerk, City of Blue Ridge



EXHIBIT "A"

PART II - CODE OF GENERAL ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE III. - DEPARTMENTS, BOARDS AND COMMISSIONS  
DIVISION 2. CITY PLANNING COMMISSION

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*DIVISION 2. CITY PLANNING COMMISSION<sup>1</sup>*

**Sec. 2-213. Authority for establishment.**

The city planning commission, hereinafter referred to as the planning commission, is created and established as authorized by the city Charter, Ga. Const, art. 9, § 2, ¶ IV, O.C.G.A. §§ 36-66-1 et seq., 36-70-1 et seq., and other applicable laws.

(Ord. No. 2018-05-08(1), § 1(31.090), 5-18-2018; Ord. No. BR2022-04 , § 1, 3-15-2022)

**Sec. 2-214. Creation and membership.**

The planning commission shall consist of five members who shall be at least 21 years of age, of good moral character and residents of the city or the county. Each member of the planning commission shall be appointed by affirmative and majority vote of the city council as set forth in the city Charter. At its April, 2022 regular meeting, the city council shall appoint five new members to the planning commission, replacing the existing planning commission (although existing members may continue to serve if duly appointed by the city council as set forth herein). Two of the five members shall serve initial two-year terms that expire on December 31, 2023 or until their successor has been appointed. Three of the five members shall serve initial four-year terms that expire on December 31, 2025 or until their successor has been appointed. Thereafter, each member of the planning commission shall serve four-year terms. 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 council, and the city council shall have the full and complete right to remove any member of the planning commission at any time, for any reason, or for no reason. With the costs paid for by the city, all members shall be required to attend reasonable training regarding their duties while serving on the planning commission.

(Ord. No. 2018-05-08(1), § 1(31.091), 5-18-2018; Ord. No. BR2022-04 , § 1, 3-15-2022)

**Sec. 2-215. Organization; rules of procedure.**

The planning commission shall elect its chairperson from among its members who shall serve for one year or until he is 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~~

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<sup>1</sup>Editor's note(s)—Ord. No. BR2022-15, § 2, adopted May 17, 2022, repealed art. 3, divs. 2-6 (§§ 2-78—2-82, 2-108—2-110, 2-134—2-136, 2-156—2-158, and 2-185—2-187) and renumbered divs. 7—9 as divs. 2—4. Former divs. 2—6 pertained to the personnel, finance, water maintenance, street maintenance, and housing and building inspection, and derived from Ord. No. 1979, §§ 3-502—3-505, 3-508; Ord. No. 2003, §§ 31.016—31.019, 31.030, 31.031, 31.045—31.047, 31.060—31.062, 31.075—31.077.

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~~commission may decide provided when needed, however, no meeting shall be scheduled to begin later than 6:00 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 of the city clerk~~ and shall be a public record. Subject to approval by the city attorney, the planning commission may adopt bylaws or its own rules of procedure, but said rules of procedure shall comply with the requirements of state 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 state 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 finding of no recommendation and shall not be a recommendation of denial or approval.

(Ord. No. 2018-05-08(1), § 1(13.092), 5-18-2018; Ord. No. 2018-09-11(3), § 1, 9-11-2018; Ord. No. BR2022-04, § 1, 3-15-2022)

### **Sec. 2-216. Staff and finances.**

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.~~

(Ord. No. 2018-05-08(1), § 1(13.093), 5-18-2018; Ord. No. BR2022-04, § 1, 3-15-2022)

### **Sec. 2-217. Powers and duties.**

The planning commission shall have all the powers, duties and responsibilities to hold hearings and issue recommendations as set forth in ~~section 140-667~~ the city code, and consistent with Ga. Const, art. 9, § 2, ¶ IV, O.C.G.A. §§ 36-66-1 et seq., 36-70-1 et seq., and other applicable laws.

(Ord. No. 2018-05-08(1), § 1(13.094), 5-18-2018; Ord. No. BR2022-04, § 1, 3-15-2022)

### **Sec. 2-218. Qualifications of members.**

No member of the planning commission shall serve as a member of the city council, or hold any office or employment with the city.

(Ord. No. 09-11-10-01, § 2, 11-10-2009; Ord. No. BR2022-04, § 1, 3-15-2022)

### **Sec. 2-219. Conflicts of interest.**

If any member of the planning commission shall find that his private or personal interests are involved in the matter coming before the planning commission, he shall disqualify himself from all participation in that matter. No member of the planning commission shall appear before the planning commission or the city council as an agent or attorney, unless the matter involves property owned by the member.

(Ord. No. 09-11-10-01, § 7, 11-10-2009; Ord. No. BR2022-04, §s 1, 3-15-2022)

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Editor's note(s)—Ord. No. BR2022-04 , § 1, adopted March 15, 2022, repealed the former § 2-219, and enacted a new § 2-219 as set out herein. The former § 2-219 pertained to meetings and derived from Ord. No. 09-11-10-01, § 5, adopted November 10, 2009.

**Sec. 2-220. Functions.**

The planning commission shall have the following functions:

- (1) Review the zoning ordinance to make recommendations to the city council for text amendments where appropriate. Make recommendations regarding planning and zoning goals and objectives to the city council for implementation, and also recommendations regarding the enforcement of the zoning ordinance.
- (2) Conduct meetings and public hearings to review proposed amendments to the zoning ordinance or the zoning map, or both, in order to make recommendations to the city council on text amendments to the zoning ordinance, rezoning applications, zoning applications involved in annexations and, special use permits, variances, ~~and other matters that arise under the zoning ordinance.~~ No action by the planning commission shall constitute a final action on zoning decisions, and the planning commission shall only make recommendations to the city council. As provided herein, the city council shall take final action regarding zoning decisions, typically after a recommendation by the planning commission, but in the event of a lack of a quorum on the planning commission or a tie vote by the planning commission, the city council may take final action regarding zoning decisions without a recommendation by the planning commission.
- (3) Following state law regarding zoning matters, conduct all public hearings on zoning matters outlined in Sec. 2-220 (2), unless the planning commission lacks a quorum or refuses to hold a public hearing, and in which event the city council may conduct the zoning hearing following the procedures of state law regarding zoning matters. The planning commission, unless it lacks a quorum or has a tie vote, shall submit a recommendation as to each planning and/or zoning matter to the city council.
- (4) Perform such other functions and duties as prescribed by the city council relative to planning and/or zoning and as established by the city council from time to time.

( Ord. No. BR2022-04 , § 1, 3-15-2022)

Editor's note(s)—Ord. No. BR2022-04 , § 1, adopted March 15, 2022, repealed the former § 2-220, and enacted a new § 2-220 as set out herein. The former § 2-220 pertained to quorum and derived from Ord. No. 09-11-10-01, § 6, adopted November 10, 2009.

**Secs. 2-221—2-252. Reserved.**

EXHIBIT "B"

PART II - CODE OF GENERAL ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE III. - DEPARTMENTS, BOARDS AND COMMISSIONS  
DIVISION 3. BOARD OF ZONING APPEALS

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*~~DIVISION 3. BOARD OF ZONING APPEALS<sup>†</sup>~~*

~~Sec. 2-253. Provisions on file with zoning ordinance.~~

~~A description of rules, regulations and provisions governing the creation, appointment, organization, powers and duties of the board of zoning appeals shall be on file with the zoning ordinance in the office of the city clerk.~~

~~(Code 1979, § 3-602; Code 2003, § 31.110)~~

**Secs. 2-254—2-284. Reserved.**

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<sup>†</sup>Editor's note(s) - See editor's note at div. 2.