

**AN ORDINANCE OF
THE CITY OF EAST ELLIJAY
PURSUANT TO ITS' CHARTER AND OTHER LAWS**

PASSED: 08-16-2023

ORDINANCE NO. 2023-01

AN ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF EAST ELLIJAY TO AMEND ZONING HEARING PROCEDURES AS CONTEMPLATED BY O.C.G.A. § 36-66-1 ET SEQ, TO AMEND CERTAIN PROVISIONS TO PROVIDE FOR EFFICIENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City conducts rezoning hearings in accordance with its Charter and Georgia law; and

WHEREAS, the City has the authority under the City Charter and the general laws of the State of Georgia to enact certain changes to the zoning procedure and ordinance set forth by ordinance; and

WHEREAS, adopting such changes and amendments allows for the efficient completion of zoning hearings and is in the best interests of the public health, safety, welfare and morals;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF EAST ELLIJAY AND ADOPTED;

SECTION I

The Zoning Ordinance of the City of East Ellijay, Georgia is hereby amended as follows:

Section 1200 Authority: is hereby amended to read: “This Ordinance, including the Official Zoning Map, may be amended from time to time by the City Council as herein specified and permitted by Georgia law.

Section 1201 Requirements for Change: is hereby amended to read “When the public necessity, convenience, general welfare, a request is made or good zoning practices justify such action, the City Council shall review the report provided by Staff and the application and the City Council may undertake the necessary steps to amend the Zoning Ordinance. However, without the express permission of the Mayor and City Council, any rezoning request shall not be made for the same parcel or parcels of property, or any part thereof, more often than once every twelve months.

Section 1202.1 Application Procedure: is hereby amended to read: Application forms and the schedule of filing fees for amendment requests shall be obtained from the City and available on request at City Hall or from the City Clerk. Any applicant for an amendment shall be required to provide all information set forth on the application and tender the entire filing fee for any application to be considered complete. Applications for amendments must be submitted at least thirty (30) days prior to the public hearing at which the amendment may be considered.

Appendix A to the Zoning Procedures and Standards Ordinance: is hereby amended as follows:

Section 6.0 Public Hearing: is hereby amended to read: “A public hearing on any proposed amendment to the zoning ordinance or this appendix shall be held before the East Ellijay Municipal Planning Commission or the Mayor and City Council. Public notice shall apply as set forth in Section 5.1 and the public hearing shall be conducted in accordance with Georgia law and Section 7.0. In the event of a vacancy of all members of the Planning Commission, or should the Mayor and Council so determine to conduct the only public hearing, the public notice provided by this section shall inform all interested parties that the public hearing shall be conducted only by the Mayor and City Council.

The public hearing shall be conducted in front of the body and at the time and place set forth in the public notice and as required by law.”

Section 7.0 Conduct of Hearings: is hereby amended to add a new Section 7.10 which reads “If the Mayor and City Council provide the notice set forth in Section 6.0 that the Mayor and City Council shall conduct the only public hearing on a rezoning amendment request, then the Mayor or his/her delegate shall conduct the hearing as required by Sections 7.1 to 7.9 as if the Mayor was the Chairman and the City Council was the Planning Commission.”

Section 9.0 Official Action: is hereby amended to add a new Section 9.5 which reads “If the Mayor and City Council provide the notice set forth in Section 6.0 that the Mayor and City Council shall conduct the only public hearing on a rezoning amendment request, then the Mayor and City Council shall receive any written report from the planning staff instead of the Planning Commission and any reference to procedures governing the Planning Commission in Sections 9.2 and 9.3 shall not apply to the application and any powers in those Sections vested in the Planning Commission shall be vested in the Mayor and City Council.”

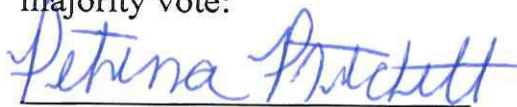
SECTION 2.
EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and return of this Ordinance with the approval of the Mayor as provided for in Section 2.31 of the Charter or ten days after adoption, whichever is sooner.

SO ORDAINED, this 16th day of August, 2023.

CITY OF EAST ELLIJAY

Attest as to this Ordinance having passed by
majority vote:



City Clerk

APPROVED:

This 16th day of August, 2023

Don Callihan
Mayor Don Callihan

VETOED:

This _____ day of _____, 2023

Mayor Don Callihan

Attest as to this Ordinance having become law due having not been approved or vetoed by noon on the 10th Calendar day after said Ordinance's adoption:

This _____ day of _____, 2023.

City Clerk

Attest as to this Ordinance having been vetoed and presented to the City Council for consideration and said vetoed was _____ or was not _____ overridden by three councilmember votes.

This _____ day of _____, 2023.

City Clerk