

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 ORDINANCE 2016- 12

4
5 AN ORDINANCE AMENDING SECTION 15-1, CITY PLANNING COMMISSION
6 CREATED, AND SECTION 15-8, BOARD OF ZONING APPEALS; ORGANIZATION AND
7 PROCEDURE, OF ARTICLE I, IN GENERAL, OF CHAPTER 15, PLANNING AND
8 DEVELOPMENT, OF THE CODE OF ORDINANCES OF COLLEGE PARK, TO CHANGE
9 PROVISIONS REGARDING TERMS, TERM LIMITS AND REMOVAL OF MEMBERS; TO
10 PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO
11 PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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13 **WHEREAS**, the governing authority of the City of College Park (“City”) is the Mayor
14 and Council thereof; and

15 **WHEREAS**, the City’s Code of Ordinances regulates the appointment, removal and term
16 limits of members of the Board of Zoning Appeals and the Planning Commission; and

17 **WHEREAS**, the governing body desires to amend such provisions to effectively manage
18 the appointment and removal of such members; and

19 **WHEREAS**, the health, safety, and welfare of the citizens of College Park, Georgia, will
20 be positively impacted by the adoption of this Ordinance.

21 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
22 **THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

23 **Section 1:** The City’s Code of Ordinances is hereby amended by striking through the
24 existing text of subsections (a)(1), (a)(2), (a)(3) and (a)(4) of Section 15-1, City planning

25 commission created, of Article I, In General, of Chapter 15, Planning and Development, and
26 inserting the following text in lieu thereof, to read as follows:

27 (1) Appointments. The planning commission shall consist of five (5) members
28 appointed by the mayor and council. Four (4) members shall be appointed for
29 each respective ward and one (1) member will be an at large appointment. Each
30 council member shall nominate one (1) person to serve on the planning
31 commission as the representative from his or her ward. The mayor shall nominate
32 one (1) person for at large appointment. Such nominations shall be made in
33 February, following installation of new members of the city governing body, and
34 shall be made by the newly constituted governing body. Each nomination shall be
35 voted upon by the entire governing body. A majority of the members shall be
36 citizens who held no other public office in the city, except that one (1) member
37 may be a member of the board of zoning appeals.

38 (2) Terms. Except as provided for herein, terms of planning commission members
39 shall be four (4) years. Each member's term shall run concurrently with the
40 remaining term of the council member for his or her respective ward but shall
41 continue until a new planning commission member is appointed to replace such
42 planning commission member or until such planning commission member is
43 otherwise removed as provided in subsection (3) below.

44 (3) Removal. Three (3) consecutive absences from regularly scheduled planning
45 commission meetings shall result in vacation of the appointment without further
46 action by the commission or the mayor and council. The mayor and council shall
47 have the right to remove any member of the planning commission at any time,
48 and without cause, upon a majority vote of council. Any member of the planning
49 commission may resign at any time by submitting a resignation to the mayor and
50 council. A removal, which includes, but is not limited to, vacation of the
51 appointment due to absence, removal by vote of council, or voluntary resignation,
52 shall become effective immediately upon the occurrence causing the removal.

53 (4) Partial terms. A member appointed to fill a vacancy shall serve for the unexpired
54 term.”

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56 **Section 2:** The City's Code of Ordinances is hereby amended by striking through the
57 existing text of subsections (a)(1), (a)(2), and (3) of Section 15-8, Board of zoning appeals;
58 organization and procedure, of Article I, In General, of Chapter 15, Planning and Development,
59 and inserting the following text in lieu thereof, to read as follows:

- 60 (1) Appointments. The board of zoning appeals shall consist of five (5) members
61 appointed by the mayor and council. Four (4) members shall be appointed for
62 each respective ward and one (1) member will be an at large appointment. Each
63 council member shall nominate one (1) person to serve on the board of zoning
64 appeals as the representative from his or her ward. The mayor shall nominate one
65 (1) person for at large appointment. Such nominations shall be made in February,
66 following installation of new members of the city governing body. Each
67 nomination shall be voted on by the entire governing body. No appointed member
68 shall be an employee or official of the city.
- 69 (2) Terms. Except as provided for herein, terms of the members of the board of
70 zoning appeals shall be four (4) years. Each member's term shall run concurrently
71 with the remaining term of the council member for his or her respective ward but
72 shall continue until a new board member is appointed to replace such board
73 member or until such board member is otherwise removed as provided in
74 subsection (3) below.
- 75 (3) Removal. Three (3) consecutive absences from regularly scheduled board of
76 zoning appeals meetings shall result in vacation of the appointment without
77 further action by the board or the mayor and council. The mayor and council shall
78 have the right to remove any member of the board at any time, and without cause,
79 upon a majority vote of council. Any member of the board may resign at any time
80 by submitting a resignation to the mayor and council. A removal, which includes,
81 but is not limited to, vacation of the appointment due to absence, removal by vote
82 of council, or voluntary resignation, shall become effective immediately upon the
83 occurrence causing the removal.”

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85 Section 3. The preamble of this Ordinance shall be considered to be and is hereby
86 incorporated by reference as if fully set out herein.

87 Section 4. This Ordinance shall be codified in a manner consistent with the laws of the
88 State of Georgia and the City.

89 Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all
90 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
91 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

92 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
93 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

94 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
95 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
96 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
97 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
98 of this Ordinance.

99 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
100 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
101 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
102 express intent of the Mayor and Council that such invalidity, unconstitutionality or
103 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
104 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
105 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
106 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
107 enforceable, and of full force and effect.

108 Section 6. All ordinances and parts of ordinances in conflict herewith are hereby
109 expressly repealed.

110 Section 7. The effective date of this Ordinance shall be the date of adoption unless
111 otherwise stated herein.

112 ORDAINED this 18th day of April, 2016.
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CITY OF COLLEGE PARK, GEORGIA


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ATTEST:



Melissa Brooks, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney



Jack P. Longino, Mayor