

City of Canton
State of Georgia
County of Cherokee
Ordinance _____

ORDINANCE OF THE CITY OF CANTON

WHEREAS, the City of Canton is authorized by the constitution of the State of Georgia to adopt rules, regulations, laws, and ordinances protecting the public health, safety and welfare of the citizens of the City.

WHEREAS, the City by and through its Mayor and Council have deemed it in the best interest of the health, safety and welfare of the citizens of the City of Canton, to adopt an ordinance governing Zoning.

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Canton, Georgia and it is hereby ordained by the authority thereof, that:

THE CITY OF CANTON ORDINANCE, DEVELOPMENT CODE, Chapter 105, Sections 105.14.02-Appeal from Canton Board of Zoning Appeals decision and 105.14.03-Appeal from Canton Board of Construction Adjustments and Appeals, BE AMENDED AS FOLLOWS:

That **Section 105.14.02** of the ordinances of the City of Canton, Georgia is hereby amended by deleting **Section 105.14.02** in its entirety and replacing with:

105.14.02 – Appeal from the Canton Board of Zoning Appeals decision

- A. Any judgement or decision of the BZA is conclusive insofar as the individual appeal decided or the decision rendered may not be reappealed to the BZA.
- B. Any party aggrieved by any decision of the BZA may take an appeal to the City Council, by submitting a letter of appeal to the Community Development Director no later than ten (10) days after the BZA decision has been rendered.
- C. City Council Discretion to Review. The letter of appeal shall be placed on an agenda at the City Council's next regularly scheduled meeting, and the City Council shall determine at such meeting whether it will consider the appeal. If the City Council decides that it will consider the appeal, the appeal shall then be placed on the agenda at the first City Council meeting to be held with sufficient time to provide notice with State law and the City of Canton Unified Development Code for the conduct of a public hearing. A denial of a review by the City Council shall be an affirmation of the decision of the BZA, and shall constitute the final decision of the City Council
- D. Public Hearing for Appeal. When hearing an appeal, the City Council shall conduct a public hearing to receive oral or written evidence from the

appellant, from the affected property owners, and from other interested parties as determined by the City Council in its discretion. The City Council shall confine the evidence to matters set forth in the decision of the BZA, the minutes of the BZA, and the applicant's notice of appeal. The proceedings shall be recorded and shall be open to the public

- E. Decision of City Council. Upon conclusion of the public hearing, the City Council shall consider the matter(s) under appeal and its action concerning the decision being reviewed. The City Council's decision shall be announced in a public meeting, either following the hearing or at any other scheduled meeting. The decision of the City Council shall be in writing and shall: (a) affirm the decision of the BZA, (b) return the matter to the BZA for reconsideration, with or without direction, or (c) take such action by way of relief to the applicant as the City Council deems appropriate and lawful. The decision of the City Council shall be included in its meeting minutes and a written report thereof shall be sent to the appellant. Upon conclusion of the case or application, the record and all matters adduced at the City Council shall be retained by the Community Development Director.
- F. Appeal to Superior Court. Appeal of a decision of the City Council shall be to the Superior Court of Cherokee County by writ of certiorari within thirty (30) days of the date of the decision.

That **Section 105.14.03** of the ordinances of the City of Canton, Georgia is hereby amended by deleting Section 105.14.03 in its entirety and replacing with:

105.14.03 – Appeal from the Canton Board of Construction Adjustment and Appeals

The word "Board" when used in this section shall mean the Board of Construction Adjustment and Appeals.

- A. Any judgement or decision of the Board is final and may not be reconsidered by the Board.
- B. Any party aggrieved by any decision of the Board may take an appeal to the City Council, by submitting a letter of appeal to the Community Development Director no later than ten (10) days after the Board's decision has been rendered.
- C. City Council Discretion to review. The letter of appeal shall be placed on the agenda at the City Council's next regularly scheduled meeting, and the City Council shall determine at such meeting whether it will consider the appeal. If the City Council decides that it will consider the appeal, the appeal shall then be placed on the agenda at the first City Council meeting to be held with sufficient time to provide notice in accordance with State law and the City of Canton Unified Development Code for the conduct of a public hearing. A denial of a review by the City Council shall be an affirmation of the decision of the Board's decision, and shall constitute the final decision of the City Council.

- D. Public Hearing for Appeal. When hearing an appeal, the City Council shall conduct a public hearing to receive oral or written evidence from the appellant, from affected property owners, and from other interested parties as determined by the City Council in its discretion. The City Council shall confine the evidence to matters set forth in the decision of the Board, the minutes of the Board, and the applicant's notice of appeal. The proceedings shall be recorded and shall be open to the public.
- E. Decision of the City Council. Upon conclusion of the public hearing, the City Council shall consider the matter(s) under appeal and its action concerning the decision being reviewed. The City Council's decision shall be announced in a public meeting, either following the hearing or at any other scheduled meeting. The decision of the City Council shall be in writing and shall: (a) affirm the decision of the Board, (b) return the matter to the Board for reconsideration, with or without direction, or (c) take such action by way of relief to the applicant as the City Council deems appropriate and lawful. The decision of the City Council shall be included in its meeting minutes and a written report shall be sent to the appellant. Upon conclusion of the case or application, the record and all matters adduced at the City Council shall be retained by the Community Development Director.
- F. Appeal to Superior Court. Appeal of a decision by the City Council shall be to the Superior Court of Cherokee County by writ of certiorari within thirty (30) days of the date of the decision.

This ordinance shall take effect and be in force on the date of approval appearing below, the public welfare demanding it.

The above ordinance was read and approved by the Mayor and Council this 1st day of June, 2017.

_____ Gene Hobgood, Mayor	Attest: _____ City Clerk
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Approved as to form and content:

Robert M. Dyer, City Attorney

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____

City Clerk