

City of Villa Rica, Georgia Zoning Board of Appeals Bylaws

Adopted 10-4-2016

ARTICLE I Authorization

The City of Villa Rica, Georgia (hereinafter the “City”) Zoning Board of Appeals (hereinafter the “ZBA” or the “Board”) is authorized pursuant to Chapter 9 Section 11 of the City Charter (hereinafter the “Charter”) and the Code of Ordinances of the City of Villa Rica, Georgia (hereinafter “the Code of the City of Villa Rica” or the “Villa Rica City Code”).

ARTICLE II Purpose

The purpose of the ZBA is to perform those duties and powers as prescribed to it by the City Council pursuant to, and consistent with, the City Charter and the Villa Rica City Code, currently stated and as amended from time to time.

ARTICLE III Organization

Section 3.01: Appointment by City Council

Members of the ZBA shall be appointed by the City Council.

Section 3.02: Number of Members

The ZBA shall have five (5) Members.

Section 3.03: Member Terms

Each Member shall have a term of office for three (3) years, or until their successor shall be appointed.

Section 3.04: ZBA Officers

(a) The officers of the ZBA (“ZBA Officers”) shall consist of a Chairman and Vice-Chairman.

- (b) ZBA Officers shall be elected by a majority vote of the Members at the first regular meeting of the calendar year.

Section 3.05: ZBA Officers Term of Office

- (a) ZBA Officers shall serve for a term of one year.
- (b) Officers who fail to fulfill their duties and have three consecutive absences without notice from regular ZBA meetings shall be considered vacated that office.

Section 3.06: ZBA Officer Vacancies

- (a) In the event of a vacancy in the office of Chairman, the Vice-Chairman shall serve as Chairman until the Members elect a new Chairman. The newly elected Chairman shall serve as Chairman until the first regular meeting of the subsequent calendar year.
- (b) In the event of a vacancy in the office Vice-Chairman, the Members shall elect a new Vice-Chairman. The newly elected Vice-Chairman shall serve as Vice-Chairman until the first regular meeting of the subsequent calendar year.

Section 3.07: Officers' Duties

- (a) Chairman, whose duties include chairing all meetings of the ZBA and acting as a representative of the ZBA in functions requiring such representation.
- (b) Vice-Chairman, who shall assume all duties outlined for the Chair in his/her absence.

Section 3.08: Resignation

- (a) A Member wishing to resign from the ZBA shall submit their letter of resignation, in writing, to the City Manager.
- (b) A Member resigning from the ZBA must expressly state whether the resignation is with immediate effect or provide a date the resignation will take effect.
- (c) Upon receipt of a Member's resignation, the City Manager, or its designee, shall notify the City Council in order to initiate the process by which the City Council may appoint a new Member.

Section 3.09: Secretary

- (a) The Secretary is a non-voting staff representative of the ZBA and shall be an employee of the City as designated by the City Manager or its designee.

- (b) The Secretary's duties include recording the minutes at meetings of the ZBA, presenting said minutes to the ZBA for review and acceptance by the ZBA, and maintaining ZBA records, and providing notice of meetings in accordance with the Villa Rica City Code and state law.

ARTICLE IV

Meetings

Section 4.01: Regular Meetings

- (a) Regular meetings shall be held on the third Tuesday of the month, unless such day falls on a city observed holiday, in which event the regular meeting for that month shall be postponed to the following month at the same hour and place. Regular meetings may be canceled at the discretion of the Chairman or at the request of staff.

- (b) Meetings of the ZBA shall be held in the Holt-Bishop Justice Center, located at 101 Main Street, Villa Rica, GA 30180, or such other place as designated by the ZBA.

Section: 4.02 Agenda

- (a) Items may be placed on the agenda by the Secretary or a Member.

- (b) Items may be placed on the agenda in accordance with the application process by the public, an applicant, or a stakeholder pursuant to the Villa Rica City Code or applicable state law.

- (c) Staff will make the initial presentation of the agenda item then the party, the individual, or the party or individual's representative requesting action on the agenda item will make their presentation.

- (d) Items included on the agenda must be submitted to the Secretary in accordance with timelines, deadlines, policies, or procedures of the City, the Villa Rica City Code, or applicable state law.

- (e) Agenda packets for regular meetings will be provided to the Members five (5) calendar days in advance of the scheduled ZBA meeting.

Section 4.03: Special Called Meetings

The Chairman, Secretary, or at least a quorum of the ZBA may, when deemed necessary, call special meetings of the ZBA.

Section 4.04: Quorum

- (a) A quorum is required for the purpose of transacting all business of the ZBA.

- (b) A quorum shall consist of three (3) Members. The affirmative vote of the majority of the Members present shall be required before the ZBA shall approve or deny an item.
- (c) If a quorum is not present or represented at any meeting of the ZBA, a majority of the Members entitled to vote at that meeting, and present in person, may adjourn the meeting, until a quorum shall be present or represented.

Section 4.05: Call to Order

- (a) ZBA meetings will be called to order by the Chairman, or if absent, by the Vice-Chairman.
- (b) In the absence of both the Chairman and Vice-Chairman, the meeting shall be called to order by the Secretary, and a temporary Chairman shall be elected to preside over the meeting.

Section 4.06: Notice

- (a) Written or electronic notice of every meeting of the ZBA stating the place, date, and hour of the meeting, shall be given either personally or by mail to each Member not less than fourteen (14) calendar days before the date of the meeting.
- (b) Public notice of ZBA meetings shall be provided in accordance with the provisions of the Georgia Open Meetings Act, the Zoning Procedures Act, and other applicable policies or procedures of the City of Villa Rica, the Villa Rica City Code, or state law.
- (c) All ZBA meetings and deliberations shall be open to the public, except for properly noticed closed session matters, and shall be conducted in accordance with the provisions of the Georgia Open Meetings Act and other applicable policies or procedures of the City of Villa Rica, the Villa Rica City Code, or state law.

Section 4.07: Attendance

- (a) ZBA Members are required to attend ZBA meetings and be prepared to discuss the issues on the agenda.
- (b) A Member shall notify, in writing, the Secretary or Chairman if the Member is unable to attend a meeting. The written notice must be received prior to the commencement of the meeting.

- (c) A Member who fails to fulfill their duties and has three consecutive absences, without written notice, from regular ZBA meetings may be recommended to the City Council for removal from the ZBA by a vote of the ZBA.

Section 4.08: Voting

- (a) Each Member shall at every meeting of the ZBA be entitled to one vote.
- (b) No Member may vote by proxy.
- (c) When a quorum is present at any meeting, the vote of a majority of the ZBA Members present in person decides any question brought before such meeting, unless the question is one upon which the express provisions of law or these Bylaws require a different vote, in which case such express provisions shall govern and control the decision of the question.

Section 4.09: Public Hearing

- (a) All public hearings shall be in accordance with the Zoning Procedures Act, the Open Meetings Law, and other applicable state law.
- (b) A person wishing to address the ZBA must sign up to speak. Sign-up sheets will be available and should be submitted to the Secretary prior to the start of the meeting. If any written materials are to be provided to the ZBA, a copy shall also be provided immediately to the Secretary for inclusion in the minutes of the meeting.

Section 4.10: Closed Sessions

The ZBA may conduct closed sessions as allowed by law, on properly noticed closed session matters, such as consultation with attorney on legal matters, deliberation regarding the value of real property, competitive utility matters, and economic development negotiations.

Section 4.11: Outside Resources

In the event the ZBA is in need of outside resources for the consideration of any item before it, the City Staff shall act as a liaison to arrange for the provision of such outside resources.

ARTICLE V
Miscellaneous

Section 5.01: ZBA Orientation, Continuing Education & Training

- (a) All new members of the ZBA shall participate in an orientation program familiarizing themselves with the goals and objectives of the program and with their responsibilities.

- (b) Members shall participate in such continuing education or training program, as recommended by the City staff or required by the City Council.

Section 5.02: Preemption by the Villa Rica City Code, State Law, or Federal Law

Where the provisions of these Bylaws are in conflict with the policies or procedures of the City of Villa Rica, the Villa Rica City Code, state law, or federal law, then the policies or procedures of the City of Villa Rica, the Villa Rica City Code, state law, or federal law shall preempt the application or enforcement of these Bylaws.

**ARTICLE VI
Books and Records**

Correct books of account of the activities and transactions of the ZBA shall be kept by the Secretary. These shall include a minute book, which shall contain a copy of these Bylaws and all minutes of meetings of the ZBA, applications, supporting materials, agendas, and agenda packets.

**ARTICLE VII
Code of Ethics and Prohibited Practices**

Section 7.01: Conflict of Interest

No ZBA Member shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or which would tend to impair their independence of judgment or action in the performance of their official duties;
- (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties, or would tend to impair their independence of their judgment or action in the performance of their official duties;
- (c) Disclose confidential information concerning the property, government or affairs of the governmental body for which they serve without proper authorization, or use such information to advance the financial or other private interest of themselves or others;
- (d) Accept any valuable gift in excess of \$25.00, whether in the form of service, loan, thing, promise, from any person, firm or corporation which to their knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body for which they serve; provided, however, that a ZBA Member who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

- (e) Represent private interest in any action or proceeding against the governmental body for the ZBA Member serves;
- (f) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which they have a financial interest.

Section 7.02: Disclosure

Any ZBA Member who shall have any private financial interest, directly or indirectly, in any matter pending before or within the ZBA shall disclose such private interest to the ZBA and such disclosure shall be entered on the records of the ZBA and they shall disqualify themselves from participating in any decision or vote thereto.

Section 7.03: Invalidity of a Vote

If a ZBA Member votes on an item in which the ZBA Member has a conflict of interest the ZBA Member's vote shall be voided.

Section 7.04: Use of Public Property

No Member shall use property owned by such governmental body for personal benefit, convenience or profit except in accordance with policies or procedures promulgated by the City of Villa Rica.

Section 7.05: Political Activities of ZBA Members

No ZBA Member shall continue to serve on the ZBA upon being sworn in to any elective city office and that Member shall be deemed to have resigned effective upon the Member's swearing in to elective city office.

Section 7.06: Penalties for Violation

Any ZBA Member who willfully conceals such financial interest or willfully violates any of the requirements of this Article shall be subject to penalty as prescribed by Section 2-189 of the City Code of Ordinances.

**ARTICLE VIII
Amendments**

The ZBA shall recommend to the City Council any alteration, amendment, or repeal of these Bylaws or the adoption of new Bylaws by a quorum vote at a duly called meeting of the ZBA. Bylaw alterations, amendments, or repeal are not effective until approved by City Council.

Approved and adopted at a meeting of the Villa Rica City Council on the _____ day of _____, 2016.

ATTEST:

THE CITY OF VILLA RICA

City Clerk

Mayor

Approved and adopted at a meeting of the ZBA on the ____ day of _____,
2016.

ATTEST:

THE CITY OF VILLA RICA, GEORGIA
ZONING BOARD OF APPEALS

ZBA Secretary

ZBA Chairman