

FIRST READING June 1, 2015
PUBLIC HEARING June 1, 2015
PASSED AND ADOPTED July 13, 2015

ORDINANCE NO. 2015 - 002

AN ORDINANCE AMENDING THE LAND USE MANAGEMENT CODE OF MAYSVILLE, GEORGIA, ADOPTED BY THE TOWN OF MAYSVILLE, MAYOR AND COUNCIL ON JUNE 4, 2007 TO PROVIDE FOR ADDITIONAL PERMITTED USES IN CERTAIN ZONING CLASSIFICATIONS AND TO PROVIDE CERTAIN PROCEDURES FOR SUCH PERMITS AND FOR OTHER PURPOSES.

Whereas, the Town of Maysville, Mayor and Council adopted a Land Use Management Code on June 4, 2007, being Ordinance Number 2007-006; and,

Whereas, the Mayor and Council of the Town of Maysville ("Governing Body") do desire to adopt certain text amendments to the Code pursuant to and in accordance with the provisions of Article 21, Chapter 21.1 of the Code; and,

Whereas, a Notice of Public Hearing before the Planning Commission and a Public Hearing before the Governing Body was provided pursuant to the provisions of Article 21, Section 21.1.6 of the Code; and,

Whereas the Public Hearings before the Planning Commission and the Governing Body were held; and,

Whereas, the Planning Commission held a Public Hearing on the text amendment as provided in the public notice; and has submitted a report to the Governing Body after such Public Hearing; and,

Whereas, the Governing Body has held a Public Hearing on the proposed text amendment; and,

Whereas, the Governing Body, at a duly called and advertised public meeting, on July 13, 2015, passed the following text amendments, and from and after the date of the adoption of such Amendments, the Code shall be duly amended, and such amended Code shall apply.

Therefore, the Code is hereby amended as follows:

1. Section 6.1.3 is deleted in its entirety, and a new Section 6.1.3 is adopted as follows:

Section 6.1.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts."
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 6.1.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
2. Section 6.2.3 is deleted in its entirety, and a new Section 6.2.3 is adopted as follows:

Section 6.2.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Agricultural Zoning Districts." Also see Section 6.2.6.
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 6.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
3. Section 7.1.3 is deleted in its entirety, and a new Section 7.1.3 is adopted as follows:

Section 7.1.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.1.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
4. Section 7.2.3 is deleted in its entirety, and a new Section 7.2.3 is adopted as follows:

Section 7.2.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

5. Section 7.3.3 is deleted in its entirety, and a new Section 7.3.3 is adopted as follows:

Section 7.3.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.3.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
6. Section 7.4.3 is deleted in its entirety, and a new Section 7.4.3 is adopted as follows:

Section 7.4.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.4.1. of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
7. Section 7.5.3 is deleted in its entirety, and a new Section 7.5.3 is adopted as follows:

Section 7.5.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
 - B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.5.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.
8. Section 7.6.3 is deleted in its entirety, and a new Section 7.6.3 is adopted as follows:

Section 7.6.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.6.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes

set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

9. Section 7.7.3 is deleted in its entirety, and a new Section 7.7.3 is adopted as follows:

Section 7.7.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.7.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

10. Section 7.8.3 is deleted in its entirety, and a new Section 7.8.3 is adopted as follows:

Section 7.8.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Residential Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 7.8.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

11. Section 8.1.3 is deleted in its entirety, and a new Section 8.1.3 is adopted as follows:

Section 8.1.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.1.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

12. Section 8.2.3 is deleted in its entirety, and a new Section 8.2.3 is adopted as follows:

Section 8.2.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."

- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.2.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

13. Section 8.3.3 is deleted in its entirety, and a new Section 8.3.3 is adopted as follows:

Section 8.3.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.3.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

14. Section 8.4.3 is deleted in its entirety, and a new Section 8.4.3 is adopted as follows:

Section 8.4.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.4.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

15. Section 8.5.3 is deleted in its entirety, and a new Section 8.5.3 is adopted as follows:

Section 8.5.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.5.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

16. Section 8.6.3 is deleted in its entirety, and a new Section 8.6.3 is adopted as follows:

Section 8.6.3. Permitted and Conditional Uses

- A. Permitted and conditional uses shall be as provided in Table 8.1, "Permitted and Conditional Uses for Commercial and Industrial Zoning Districts."
- B. In addition, such permitted uses as the Governing Body determines are reasonably consistent with the uses stated in sections 8.6.1 of this Land Use Management Code and that are reasonably consistent with and promote the goals and purposes set forth in section 1.1.1 of the Code, and are approved pursuant to the provisions of Section 21.2.27 of the Code.

17. A new Section 21.2.27 is hereby adopted, to read as follows:

Section 21.2.27. Special Use Permits

Special Use Permits may be authorized, as prescribed herein and as expressly permitted as a Special Use within a particular Zoning District, by the Governing Body after notice and Public Hearings in accordance with the policies and procedures outlined in Article 21. The Governing Body reserves the authority to deny any request or to impose conditions on a use as deemed appropriate to protect the public health, safety, morality or general welfare.

Section 21.2.27(a). Minimum Parcel Size

No tract or parcel of land shall be considered for a Special Use Permit that has an area, width or road frontage less than the minimum required area, width or road frontage for the Zoning District of the property, unless accompanied by an Application for Variance otherwise authorized by this code.

Section 21.2.27(b). Procedure for Consideration of a Special Use Permit

- (1) An application for a Special Use Permit shall be accompanied by the fee required for conditional use applications and shall be filed with the Zoning Administrator, containing at a minimum the information required by this Ordinance under this Article 21, and the Application shall proceed in accordance with the procedures required for Notice and Hearing as provided for in this Article 21.
- (2) In considering the application for Special Use Permit, the Governing Body shall apply review standards consistent with its review of other applications under Article 21.
- (3) The Governing Body may place any reasonable conditions or stipulations upon the proposed Special Use Permit as deemed necessary (such as hours of operation, parking, maximum building size, outside displays, etc.) to further ensure the orderly operation of the proposed use(s) and its compatibility with the surrounding properties.
- (4) The decision rendered by the Governing Body regarding the proposed Special Use Permit shall be deemed to be the final action on the Application.

- (5) No amendment, supplement, change or repeal of the final action by the Governing Body shall become effective unless said amendment, supplement, change or repeal is approved after a Public Hearing.

Section 21.2.27(c). Expiration of Special Use Permit

Once established, a Special Use Permit must remain in continuous operation in order to remain valid. A Special Use Permit shall automatically expire under the following circumstances:

- (1) If operations or construction has not commenced and continued within six (6) months of the date of approval by the Governing Body .
 - (2) If operations on such property have ceased for a period of twelve (12) months.
18. Except as specifically amended, the text as adopted and provided in the Maysville Land Use Management Code shall remain binding and enforceable as written.

Adopted this 13 day of July, 2015.

CLERK: Barbara Thomas