

TOWN OF MAYSVILLE, GEORGIA

**AN ORDINANCE ADOPTING PROCEDURES
FOR THE CALLING AND CONDUCTING
OF PUBLIC HEARINGS AND
ADOPTING STANDARDS
GOVERNING THE EXERCISE OF
ZONING POWER, AND FOR
OTHER PURPOSES**

Adopted after public hearing and notice,
in regular session of the Mayor
and Council of Maysville, Georgia,
March 1 , 1993.

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AN ORDINANCE ENTITLED

**AN ORDINANCE OF THE TOWN OF
MAYSVILLE ADOPTING PROCEDURES FOR
THE CALLING AND CONDUCTING OF
PUBLIC HEARINGS AND ADOPTING STANDARDS
GOVERNING THE EXERCISE OF ZONING POWER,
AND FOR OTHER PURPOSES**

Pursuant to the State of Georgia Zoning Procedures Law, Georgia Code, Chapter 36-66, enacted by Georgia Laws 1985, page 1139, be it ordained, and it is hereby ordained by the Mayor and Council of Maysville, Georgia:

Section 1. Authority to Amend.

The Governing Body may from time to time amend the number, shape, boundary or area of any zoning district, or may amend any regulation pertaining to any district; or may amend any Article or Section of the zoning ordinance. The procedure for amending the zoning ordinance shall be as provided in this ordinance.

Section 2. Withdrawal Of Amendment Application.

Any petition for an amendment to the zoning ordinance text or official zoning map, may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to closing the required public hearing by the Governing Body upon written notice to the Town Clerk. If the public hearing before the Governing Body has been completed, withdrawal by the Applicant is not permitted. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the Town Clerk.

Section 3. Application Requirements.

Application materials specified in this section shall be required for amendments to the official zoning map.

1. An application form furnished by the Town Clerk; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description (such as a tax plat map) is accepted by the Town Clerk. Boundary surveys of the property should be submitted with the application whenever available; and
3. A letter of intent which describes general characteristics of the proposed development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For zoning map amendment applications, the letter of intent shall address the standards specified in this ordinance.
4. A fee for said application as established by the Governing Body from time to time.
5. Applications which require action by the Governing Body shall also require disclosure of any conflicts of interest as specified in Chapter 67A of the Georgia Code, "Conflict of Interest in Zoning Actions."

Section 4. Criteria To Consider For Map Amendments.

The applicant, and the Governing Body should review an application for zoning map amendment with regard to the following criteria:

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
7. The zoning history of the subject property.
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.
10. The possible creation of an isolated district unrelated to adjacent and nearby districts.

The Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

Section 5. Conditional Approval Permitted.

In exercising the powers to grant zoning map amendments the Governing Body may attach any conditions to its approval which it finds necessary to render the proposed zoning district or use compatible with adjacent and nearby properties and land uses. Applications to alter or modify any such conditions shall be considered only after compliance with procedures and notice requirements as established in this ordinance.

Section 6. Public Notice And Public Hearing Required.

This section shall apply to all applications for amendments to the zoning ordinance and amendments to the official zoning map. Except as otherwise noted, this Section shall apply to adoption and readoption of a zoning ordinance and official zoning map.

Upon receipt of a completed application, fees and other information required by this Ordinance, the Town Clerk shall cause notice of such application to be published at least one (1) time in a newspaper of general circulation in the community at least fifteen (15) days but not more than forty-five (45) days prior to the date of public hearing before the Governing Body. Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing, before the Governing Body, the location of the property being considered, the present zoning classification of the property, and the proposed action to be taken.

The Town Clerk shall also cause to have posted in a conspicuous place on said property one (1) or more sign(s), each of which shall contain the information specified for published notices. The public hearing before the Governing Body shall not take place until said sign(s) have been posted for a least fifteen (15) days but not more than forty-five (45) days prior to the date of the public hearing. Posting of signs shall not be required by the Governing Body when adopting or readopting a zoning ordinance and official zoning map.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is announced.

Section 7. Conduct Of Public Hearings.

All public hearings regarding applications considered by the Governing Body shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedures:

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time the presiding officer may summarize the public hearing procedures.
2. The Town Clerk or other staff may present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate.
3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application.

The petitioner, or his designated agent, is expected to attend the public hearing unless written notice of hardship is received prior to such meeting. A time limitation may be imposed at the discretion of the presiding officer.

4. Persons who oppose the application or who have questions about the subject application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the presiding officer.
5. The petitioner shall have an opportunity to answer any questions raised by the public, for summary remarks and rebuttal concerning the proposed application.
6. Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.
7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition. Additional questions from the general public may not be asked once the public hearing has been closed.

Once the public hearing is closed, and a vote or other action is being considered, unrecognized responses from the petitioner shall be ruled out of order by the presiding officer.

Section 8. Action By The Governing Body.

After the public hearing has been completed, the Governing Body may take action to approve or deny the request, refer the application back to the Town Clerk for further study, or the Governing Body may table or defer action until a later meeting. In voting on a petition, the Governing Body shall follow applicable bylaws for such body, or in lieu of adopted bylaws, shall generally follow "Robert's Rules of Order."

Section 9. Availability Of This Ordinance For Public Review.

The Town Clerk, or other official in the city shall ensure that copies of this ordinance are printed and available for distribution to the general public.

Section 10. Definitions of Terms Used In This Ordinance.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Governing Body: The Mayor and Council of the Town of Maysville, duly elected by the citizens within the jurisdiction.

Metes and Bounds: A system describing and identifying land by distances or measures (metes) and bearing or direction (bounds) from and identifiable point of reference, such as a monument or other marker or the corner of intersection streets.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in the zoning ordinance in relation to natural features, man-made features and/or property uses.

Section 11. Repealer.

All ordinances and resolutions and portions thereof in conflict herewith are repealed.

Section 12. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

ADOPTED THIS THE 1st DAY OF MARCH, 1993

M. F. James
MAYOR

COUNCIL MEMBER

William Austin
COUNCIL MEMBER

Ferry L. Lewis
COUNCIL MEMBER

Otis P. McElroy
COUNCIL MEMBER

Andrew Strickland
COUNCIL MEMBER

ATTEST: Lisa H. Harper
TOWN CLERK