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**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**

At the Special Called meeting of the St. Marys City Council, held in the St. Marys Elementary School, St. Marys, Georgia:

Present:

John F. Morrissey, Mayor
Robert L. Nutter, Councilman, Post 1
Elaine Powierski, Councilwoman, Post 2
Jim Gant, Councilman, Post 3
David Reilly, Councilman, Post 4
Sam L. Colville, Councilman, Post 5
Linda P. Williams, Councilwoman, Post 6

On the amended motion of Councilmember Linda P. Williams, which carried five to one, the following Ordinance amendment was adopted:

AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, CHAPTER 110 ZONING CREATING THE PORT OF ST. MARYS PLANNED DEVELOPMENT DISTRICT, SET FORTH IN THE PORT OF ST. MARYS INDUSTRIAL & LOGISTICS CENTER PLANNED DEVELOPMENT DISTRICT TEXT J-25467.0001 AS EXHIBIT 'A,' CONDITIONED UPON EXHIBIT 'H,' AND REVISED EXHIBIT 'C,' THROUGH THE REZONING OF TAX PARCEL 149-004, KNOWN AS THE DURANGO PAPER MILL SITE, FROM PLANNED DEVELOPMENT (PD) MIXED USE TO PD –INDUSTRIAL, WITH PD-MIXED USE AND PD-CONSERVATION AND AREA, WHILE PROVIDING FOR PERMITTED AND SPECIAL USES FOR EACH DISTRICT AND SPECIAL USE PROVISIONS SET FORTH THEREIN.

Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this 9th day of May, 2016 that Chapter 110 Zoning of the Code of Ordinances, City of St. Marys, Georgia is hereby amended to read as follows:

1 Exhibit A:

1 **Exhibit A:**

2 **110-68-PSM PORT OF ST. MARYS PLANNED DEVELOPMENT DISTRICT**

3 *District intent.* This district is reserved for establishment of shopping centers, planned residential
4 areas, planned industrial developments, and similar types of large-scale compatible use developments,
5 as well as cemeteries. The regulations are designed to permit the greatest latitude possible with respect
6 to internal site planning considerations, and location of these developments within the city in the
7 interest of long-range development. This district encourages innovations in residential and
8 nonresidential development so that growing demands for housing and commercial areas may be met by
9 a greater variety in type, design and layout of buildings and by the conservation and more efficient use
10 of open space, as well as other natural amenities.

11 (a) *Specific requirements.* Specific requirements may be requested by the planning commission upon
12 review of the planned development prior to acceptance of the plot plan and written report.

13 (b) *Amendments to existing PD Districts.*

14 (1) Any request pertaining to amending a PD District shall be considered an amendment to the
15 Zoning Ordinance and shall be processed in accordance with the regulations set forth in article
16 VII, amendments.

17 (2) All information required in subsections (c) and (d) of this section shall be submitted to the
18 planning commission and subsequently forwarded to the city council with the
19 recommendations of the planning commission.

20 (3) If the amendment is approved by the city council, all information pertaining to the proposal,
21 presented or agreed to by the applicant shall be deemed conditions of approval. All permits
22 granted in the PD District shall be in conformance with those conditions.

23 (4) Before approval of an amended Planned Development District, the city council may require a
24 contract with safeguards satisfactory to the city attorney guaranteeing completion of the
25 development according to the criteria listed herein. Such guarantee may include the
26 submission of a performance bond in an amount set by the city council.

27 (c) *Plot plan for planned development.* The plot plan drawn to scale (1" equals 100' or 1" equals 50') by
28 a registered civil engineer, registered land surveyor, or registered architect shall show the exact
29 dimensions of the parcel or parcels of land under consideration. The plan shall include the following
30 elements:

31 (1) General information items:

32 a. Name of the development and developers;

33 b. A north arrow;

34 c. Date of field survey;

35 d. Tract boundary lines, dimensions, bearings and angles;

36 e. Reference points to at least two permanent monuments;

37 (2) Proposed building sites and sizes;

38 (3) Types of uses proposed for buildings and structures;

39 (4) All property dimensions;

- 1 (5) Platting and street systems:
 - 2 a. Proposed reservations or dedications for streets;
 - 3 b. Means of ingress and egress;
 - 4 c. Access and circulation arrangements;
 - 5 d. Off-street parking and loading facilities;
- 6 (6) Means of protecting or screening abutting properties including proposed landscaping;
- 7 (7) Location of proposed reservations, easements, or dedications;
- 8 (8) If requested, two foot vertical contour intervals.
- 9 (d) *Written report for planned development.* A written report shall explain the type, nature, intent and
10 characteristics of the proposed development, and shall include:
 - 11 (1) A general description of the proposal;
 - 12 (2) A legal description of the site;
 - 13 (3) Proposed standards for development including:
 - 14 a. Restrictions on the use of property;
 - 15 b. Density, yard, and height requirement;
 - 16 c. Restrictive covenants;
 - 17 (4) Proposed dedication or reservation of land for public use, including streets, easements, parks
18 and school sites.
 - 19 (5) Exceptions or variations from the requirements of this chapter if any are being requested.
 - 20 (6) Plans for the provision of utilities, including water, sewer and storm drainage facilities.
 - 21 (7) Description of percentage of land within the development to be provided for various uses:
 - 22 a. Residential
 - 23 b. Commercial
 - 24 c. Industrial
 - 25 d. Open space
 - 26 e. Utilities
 - 27 f. Parking and storage
 - 28 g. Others

29

30 **110-68-PSM-IP Port Industrial Tract (I-P)**

31 *Tract intent:* The purpose of this planning area is to provide areas for manufacturing, processing,
32 assembling, fabricating, marine facilities, intermodal transfer and related activities.

33 **Permitted Uses:**

1 **a. Permitted Uses allowed in Sections 110–72 Light Industrial (I-L),**

2 **Uses permitted.** Property and buildings in an I-L, Light Industrial District shall be used for the
3 following purposes, provided that such uses are conducted in such a manner that noxious odors,
4 fumes, dust and similar particles, or noise are not emitted or detectable beyond the property lines
5 of the lots on which the uses are located.

6 (1) Building material sales yards and lumber yards, including the sales of rock, sand, gravel and
7 the like.

8 (2) Warehouse and wholesale establishments.

9 (3) Public utilities, including buildings, necessary structures, storage yards, and other related
10 uses, but specifically excluding waste processing, handling or storage facilities.

11 (4) Research or experimental stations and laboratories.

12 (5) Radio and/or television station transmission or reception towers.

13 (6) Horticultural nurseries.

14 (7) Office buildings for business, governmental, professional, or other general purposes.

15 (8) Repair garages provided that all business is conducted inside an enclosed building and/or
16 inside an aesthetically pleasing barrier which will shield the business activity from view of
17 passing motorists and surrounding property owners.

18 (9) Animal hospital and/or boarding facility.

19 (10) Transportation terminals.

20 (11) The assembly, disassembly, fabricating, finishing, manufacturing, packaging, and repairing
21 or processing of materials and boats. Examples of such uses include, but are not limited to,
22 printing, commercial laundry, photographic films processing, repair garages, building
23 maintenance shops, metal work, millwork, and cabinetry work.

24 (12) Accessory buildings, structures, and uses customarily incident to permitted uses.

25
26 **(b) Special permit uses.** The following uses may be permitted in accordance with the provisions
27 contained in [section 110-145](#) and if additional conditions which may be required are met:

28 (1) Retail businesses or services provided such businesses or services are; (1) incidental to a
29 permitted light-industrial use; and (2) located on the same premises.

30 (2) Watchman or caretaker's one- or two-family dwelling provided that; (1) such dwelling is
31 located on the premises of the permitted light-industrial use; and (2) a member of the
32 household is employed by the industry as a watchman or caretaker.

33 (3) Open yard use for the sale, rental, dismantling and/or storage of new or used salvage and/or
34 junk materials or equipment, provided that: (1) such uses are separated from adjoining
35 properties by a suitable planting screen, fence, or wall at least eight feet in height; and (2) no
36 burning of materials or products will be conducted on the premises.

37
38 **and 110–73 General Industrial (I-G), under the City of St. Marys Zoning Regulations as included**
39 **herein both by right and conditional uses.**

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(a) Uses permitted. Property and buildings within the I-G, General Industrial District shall be used for the following purposes:

- (1) All uses permitted in the I-L, Light-Industrial District.
- (2) Industrial uses which involve manufacturing, fabrication, processing, assembly, packaging, treatment or storage of heavy materials, products or equipment; but not including junk or salvage operations or uses which may cause the conditions outlined below in subsection (b)(2), special permit uses, and specifically excluding waste handling, treatment or storage facilities. Waste handling, treatment or storage as part of an overall industrial process is permitted.
- (3) Accessory buildings, structures, and other uses customarily incidental to a permitted use.

(b) Special permit uses. The following uses may be permitted in accordance with the provisions contained within article V, and if additional conditions which may be required are met:

- (1) Any special use allowed in the I-L, Light Industrial District.
- (2) Any industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operation. Such uses shall be located a minimum of 200 feet from adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources.

b. Marine Facilities

Permitted uses:

- i. Shipping facilities for shallow draft barges and vessels
- ii. Import / Export operations
- iii. Container cargo
- iv. Bulk cargo
- v. Break-bulk cargo
- vi. Shipyard operations – vessel construction & repair
- vii. Dry dock
- viii. Vessel berthing
- ix. Vessel bunkering operations (Fueling and Replenishment)
- x. Bunker (Fuel) storage facilities limited to 100,000 gallons
- xi. Inter-modal operations (Rail, Truck, Maritime vessel)
- xii. Bulkheads, seawalls, piers and pier heads
- xiii. Solar and Clean Energy Generating Facilities

All Marine facilities shall comply with state and federal standards, which are in effect at the time of such permitting, and regulations shall be determined, by the direct application to appropriate agencies.

1 **c. Maintenance Areas**

2 ***Permitted uses:***

- 3 i. Vehicle maintenance
- 4 ii. Storage of vehicles and parts, boats, and landscape equipment
- 5 iii. Fuel storage
- 6 iv. Shops for woodwork, metalwork and painting
- 7 v. Greenhouses, plant propagation areas and holding yards
- 8 vi. Mulching facility and mulch storage
- 9 vii. Storage of chemicals and bulk materials as permitted by law
- 10 viii. Offices associated with maintenance operations

11

12 **d. Open Space**

13 **e. Roads**

14 **f. Utilities**

15 **g. Wetlands**

16 **h. Storage Facilities**

17 **i. Steam and Energy production and storage facilities**

18

19 **110-68-PSM-MU Mixed Use Tract (MU)**

20 *Tract Intent:* The purpose of this planning area is to provide an area that permits commercial uses
21 in addition to manufacturing, assembling, fabricating, marine facilities, and related activities.

22

23 ***Permitted Uses:***

24 **a. Neighborhood Commercial**

25 ***Permitted Uses:***

26 Uses permitted in City of St. Marys Zoning Ordinance **Sec. 110–69. C–1 Central Business**
27 **District**

28 **a) *Permitted Uses:***

29 (1) Generally recognized retail business which supply commodities on the premises and without
30 outdoor storage of goods, such as but not limited to groceries, drugs, clothing, notions or
31 hardware.

32 (2) Personal service establishments which perform services on the premises such as but not
33 limited to repair shops (radios, television, shoes, upholstery, etc.), beauty parlors or barber
34 shops, and dry cleaners.

35 (3) Business establishments which perform services on the premises, such as but not limited to
36 banks, loan companies, insurance offices and real estate offices.

37 (4) Professional services including the following: medical offices, dentists, legal and similar or
38 allied professions.

39 (5) Public offices such as post offices, city administration, museums and similar governmental
40 offices.

41 (6) Private clubs, fraternal organizations and lodge halls.

- 1 (7) Public and private schools and religious institutions.
- 2 (8) Waterfront facilities pertaining to normal fishing, shrimping, and boating activities.
- 3 (9) Restaurants, grills, delicatessens, and similar eating establishments, but not including "drive-
- 4 in" types.
- 5 (10) Hotels and boardinghouses.
- 6 (11) Accessory uses and structures.
- 7 (12) Multifamily dwellings (must be in conjunction with a permitted commercial use(s) utilizing
- 8 the first occupied floor for commercial use and meet commercial dwelling standards for the C-1
- 9 District).

10
11 **(b) Special Permit Uses.** The following uses may be permitted in accordance with the provisions
12 contained in [section 110-145](#), and if additional conditions which may be required are met.

- 13 (1) Laundromats.
- 14 (2) Theaters.
- 15 (3) Parking lots (private and public) not including those areas required by article IV, off-street
- 16 parking and loading.
- 17 (4) Public utility installations and buildings including water towers, electric transformer stations,
- 18 and water and sewage pumping stations, provided that: no open storage is permitted at the
- 19 site; the area is fenced in by a wall or fence at least six feet in height; and landscaped strip not
- 20 less than five feet in width is planted and maintained.

21
22 **110-68-PSM-CA Conservation Area Tract (MU)**

23 *Tract Intent:* The purpose of this planning area is to provide a conservation tract to preserve
24 wildlife habitat as identified by the wood stork colony known to exist on the property.

25 ***Permitted Uses:***

- 26 a. Wildlife Habitat
- 27 b. Open Space
 - 28 i. Landscape areas.
 - 29 ii. Stormwater ponds, drainage improvements.
 - 30 iii. Saltwater and freshwater wetlands including buffers.
 - 31 iv. Conservation Areas and greenbelts.
 - 32 v. Multi-use trails.
 - 33 vi. Perimeter buffers.
- 34 c. Wetlands
 - 35 i. Open space and buffers.
 - 36 ii. Conservation areas.
 - 37 iii. Activities in all areas as permitted by the U.S. Army Corps of Engineers
 - 38 iv. (USACOE), the Georgia Environmental Protection Division (EPD) and the
 - 39 Georgia Department of Natural Resources Coastal Resource Division.
 - 40 v. Disposal of reclaimed water as permitted by EPD.

- 1 vi. Storm water control and management.
- 2 vii. Marine Facilities, boardwalks, trails, bridges and other permitted structures
- 3 and facilities.
- 4 viii. Forest management.
- 5 d. Utilities

6

7 **110-68-PSM-GD General Design Criteria and Development Standards.**

- 8 (1) Overall site design should be harmonious in terms of landscaping, enclosure of principal and
- 9 accessory uses, sizes and street patterns, and use relationships.
- 10 (2) Variety in building types, heights, placement on lots and size of open spaces are encouraged if
- 11 they are conducive to a safe, healthy and aesthetically pleasing living environment.
- 12 (3) The average density for residential dwelling units in a PD District should not exceed those set
- 13 forth in the R-2 District, although it may be clustered within the PD District.
- 14 (4) A buffer strip with plant cover trees and/or an attractive fence should be provided by the PD
- 15 District, unless the adjoining use is compatible. For instance, when one family and multifamily
- 16 dwellings within a PD District are on property adjoining an R-3 District, then no buffer shall be
- 17 required.
- 18 (5) Within a PD District, the design should include buffers suitable for screening residential areas
- 19 from commercial or industrial uses when dangers of incompatibility exist.
- 20 (6) The parking regulations of this chapter should be accepted as minimum standards, and
- 21 therefore creative improvements are encouraged.
- 22 (7) Shopping centers and other types of planned developments shall not have more than two
- 23 access points to any one public street, unless unusual circumstances dictate the need for
- 24 additional access points.
- 25 (8) All access points from a PD District should be located at least 100 feet from the intersection of
- 26 any street.
- 27 (9) Proposed cemeteries must be a minimum of ten acres and must otherwise comply in all
- 28 respects with O.C.G.A. § 10-14-01 et seq. together with all rules and regulations promulgated
- 29 by the Secretary of State of Georgia.

30

31 **110-68-PSM-SP Special Permit Uses.**

32 The uses listed under the various land use districts (article II, division 2) as "special permit uses" are

33 so classified because they more intensely dominate the area in which they are located than do other

34 uses which are called permitted uses. Special permit uses are uses which would not normally be

35 appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services,

36 visibility, traffic and other such characteristics. The following procedure is established to integrate the

37 special permit uses with other land uses located in the district. These uses shall be reviewed and

38 authorized or rejected under the following procedure:

1 (1) When applying for a building permit, the applicant shall be informed by the planning and
2 zoning director that the proposed use is a special permit use. The matter will then be referred to
3 the planning commission.

4 (2) An application for special permit use shall be filed with the planning and zoning director at
5 least 30 days prior to the next regularly scheduled meeting of the city planning commission.
6 Such application shall contain all information requested thereon and any other material or
7 information pertinent to the request which the planning commission may require.

8 (3) Public hearings, public hearing procedures, and standards for special use permits.

9 a. *Required public hearings.* No official action shall be taken on any proposed special
10 permit unless one public hearing has been held. The public hearing shall be conducted by
11 the planning commission.

12 b. *Procedure for calling a public hearing.*

13 1. Prior to scheduling required public hearings, applicants shall complete all
14 submission requirements provided by the planning and zoning director (e.g., forms,
15 fees, deeds, maps, etc.)

16 2. The planning and zoning director shall then notify the applicant of the date, time,
17 and place of the required public hearing.

18 3. At least 16, but not more than 44 days prior to scheduled public hearings, the
19 planning and zoning director shall publish in the newspaper of general circulation,
20 notice of the date, time, place, and purpose of the public hearing.

21 4. Not less than 15 days prior to the date of a public hearing, the planning and zoning
22 director shall post in a conspicuous location on the property in question a sign which
23 shall contain information regarding the proposed special permit; specifically the date,
24 time, place, and purpose of the public hearing.

25 5. The primary goal of conducting public hearings on proposed special permits shall
26 be to solicit pertinent factual information which will be beneficial in helping the
27 planning commission judge the merits of each specific proposed special permit.

28 (i) *Notice to property owners.* The planning and zoning director shall give notice
29 of the date, time, place, and purpose of public hearings to be held by the
30 planning commission on proposed special permits or supplements by mail to the
31 owners of all properties abutting any part of the property proposed to be
32 changed. The failure to notify as provided in this section, shall not invalidate any
33 recommendations or action adopted hereunder.

34 (ii) *Action of planning commission.* The planning commission may recommend
35 approval of the application, as submitted, to city council; or it may require
36 conditions for approval before recommendation of approval is made to city
37 council; or it may recommend denial of the application. These
38 recommendations shall then be certified to the city council.

39 (iii) *Action of the city council.* The city council shall consider the
40 recommendations of the planning commission, and vote on the special permit.
41 If the proposed special permit is not recommended by the planning commission,

1 the favorable vote of a majority of the city council shall be required to approve
2 the special permit. The applicant and others so requesting shall receive notice of
3 the decision of the city council through the planning and zoning director.

4 (iv) *Denial of special permits.* If the decision of the city council is to deny the
5 special permit, then the same property may not again be considered for a
6 special permit until the expiration of at least six months immediately following
7 the defeat of the special permit by the city council.

8 (v) *Appeals of decision.* Decisions of the city council may be appealed to the
9 Superior Court as described in [section 110-165](#) of this chapter. A written appeal
10 must be submitted to the court within 30 days after the city council decision
11 otherwise, its decision is final.

12 c. *Procedure for conducting a public hearing.* Public hearings on special permits shall be
13 conducted in the same manner as described in [section 110-165](#) for zoning amendments.

14 d. *Standards for special use permits.* A special use permit recommendation for approval
15 may be granted by the planning commission only if the applicant establishes to the
16 satisfaction of the planning commission that:

17 1. Neither the proposed use, nor the proposed site upon which the use will be
18 located is of such a character that the use will have significant adverse impact upon
19 the value or quiet possession of surrounding properties greater than would normally
20 occur from generally permitted uses in the zoning district. In reaching a
21 determination on this standard, the planning commission or city council shall
22 consider:

23 (i) The size of the proposed use compared with the surrounding uses;

24 (ii) The intensity of the proposed use, including amount of noise to be
25 generated, hours of operation, expanse of pavement, and similar measures of
26 intensity of use, compared with surrounding uses;

27 (iii) The potential generation of noise, dust, odor, vibration, glare, smoke, litter
28 and other nuisances;

29 (iv) Unusual physical characteristics of the site, including size of the lot, shape of
30 the lot, topography, and soils, which may tend to aggravate adverse impacts
31 upon surrounding properties;

32 (v) The degree to which landscaping, fencing and other design elements have
33 been incorporated to mitigate adverse impacts on surrounding properties.

34 2. City or other facilities serving the proposed use will not be overburdened or
35 hazards created because of inadequate facilities. In reaching a determination on this
36 standard, the commission shall consider:

37 (i) The ability of the traffic to safely move into and out of the site at the
38 proposed location;

39 (ii) The presence of facilities to assure the safety of pedestrians passing by or
40 through the site;

- 1 (iii) The capacity of the street network to accommodate the proposed use;
- 2 (iv) The capacity of the sewerage and water supply systems to accommodate
- 3 the proposed use;
- 4 (v) The capacity of the storm drainage system to accommodate the proposed
- 5 use;
- 6 (vi) The ability of the fire department to provide necessary protection services
- 7 to the site and development.

8 3. The natural characteristics of the site, including topography, drainage, and
9 relationship to ground and surface waters and floodplain, shall not be such that the
10 proposed use when placed on the site will cause undue harm to the environment or
11 to neighboring properties.

12 e. *Conditions of special exceptions.* Upon consideration of the standards listed in
13 subsection (3)d. above, the planning commission and/or the city council may require, such
14 conditions, in addition to those required by other provisions of this chapter, as it finds
15 necessary to insure compliance with those standards and all other applicable requirements
16 of this chapter. Violation of any of those conditions shall be a violation of this chapter.
17 Such conditions may include, but are not limited to, specifications for: Type of
18 landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water
19 supply facilities, hours of operation, operational controls, professional inspection and
20 maintenance, sureties, location of piers, docks, parking and signs, and types of
21 construction.

22 (4) All special use permits shall be licensed by the city. All initial applications for a special use
23 permit shall be accompanied with an application fee of \$500.00. If approved, the special use
24 permits will be effective from July 1 through June 30 of each calendar year. If the special use
25 permit application is denied, \$250.00 of the initial application shall be refunded to the applicant.
26 All existing special use permits shall expire on September 1, 2003, unless renewed pursuant to
27 the provisions of this amended section. Thereafter, all special use permits are required to be
28 renewed each July 1, at a cost of \$75.00.

29 (5) Electronic game promotions. Performance standards and development criteria. It is the
30 intent of the City of St. Marys that these supplementary regulation standards and criteria be in
31 addition to, rather than in lieu of, any other requirement in this chapter. The following uses,
32 whether permitted or permissible by exception, must meet the criteria listed under each use as
33 a prerequisite for further consideration under this Zoning Code:

34 (a) Any game promotions or sweepstakes utilizing electronic equipment and drawings by
35 chance conducted in connection with the sale of a consumer product or service utilizing
36 electronic equipment.

37 (b) Distance limitations. Such establishments shall not operate within 750 feet of the
38 perimeter property line of a church or school, and 3,000 feet of the perimeter property
39 line of a military installation. With respect to the distance between such an establishment
40 and an established church, school, or military installation the distance shall be measured
41 by following a straight line from the nearest point of the building or portion of the building

1 used as part of the proposed location to the nearest point of the grounds (property line)
2 used as part of the church, school facilities, or military installation. The applicant for such
3 an establishment which involves a change in location or a new location shall provide the
4 planning department with a map of the proposed location and vicinity. The map shall show
5 existing zoning and all locations of schools, churches and military installations within a
6 radius of 750 feet for schools and churches and 3,000 feet for military installations of the
7 proposed location and the actual distances thereto from the proposed location measured
8 as required herein. The map shall include a certificate that all distance requirements as
9 required herein as it relates to the proposed location have been met and both the map and
10 certificate shall be prepared and executed by a land surveyor registered in the State of
11 Georgia.

12 (c) Where an establishment for game promotions or sweepstakes utilizing electronic
13 equipment and nonconforming drawings by chance conducted in connection with the sale
14 of a consumer product or service utilizing electronic equipment exists lawfully in any
15 zoning district prior to the passage of this provision, such use may be continued on such
16 property as a nonconforming use subject to all restrictions, limitations and requirements
17 set forth in [chapter 22](#), article VII, "Electronic Game Promotions", and all other applicable
18 provisions of the Code of Ordinances for continuance of a nonconforming use.

19

1 Revised Exhibit C:

1 Exhibit H:

1 EXHIBIT H

2 SPECIAL CONDITIONS

3 The following Special Conditions are made a part of the Port of St. Marys
4 Industrial & Logistics Center Planned Development District Text, J-25467.0001
5 (hereafter "PD Text") and included therein as Exhibit H. These conditions apply
6 to all property depicted in that Text and all exhibits thereto which are
7 incorporated herein by reference as modified by these Special Conditions
8 (hereafter "Property" or "the Property"). In the event of any conflict between
9 these Special Conditions and any portion of the Port of St. Marys Industrial &
10 Logistics Center Planned Development District Text, J-25467.0001 or the City of
11 St. Marys, Georgia Zoning Ordinance (hereafter "Zoning Ordinance"), these
12 Special Conditions shall govern. These Special Conditions are conditions of the
13 Port of St. Marys Industrial & Logistics Center Planned Development District.
14 Before any building permits for improvements on the Property may be applied for
15 or issued, there must be a Plot Plan prepared in accordance with § 110-68(c) of
16 the St. Marys Zoning Ordinance. Any Special Use Permit (also known as a Special
17 Permit Use) (hereafter "SUP") issued for a use to be conducted upon property
18 entirely within the territory of the Port of St. Marys Industrial & Logistics Center
19 Planned Development District as defined in the Port of St. Marys Industrial &
20 Logistics Center Planned Development District Text which is owned by Old Weed
21 & Ready Plantation, LLC as shown on Exhibit B to the PD Text– Boundary Survey
22 dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D) (hereafter "the
23 Property") shall continue to be valid so long as the use for which it was issued
24 shall be continuously conducted without interruption and shall not be limited to
25 an annual duration as set forth in the Zoning Ordinance Section 110-145 (5). The
26 SUP shall be transferrable or assignable to any future owner.

27 Any SUP requested by Property Owner in the future shall be first considered by
28 the St. Marys Planning Commission which shall make its recommendation
29 thereon to the St. Marys City Council which shall make the final decision.

- 30 1. Development Plan. Prior to any development, a Plot Plan for Planned
31 Development, as described in 110-68(c), shall be submitted to the
32 Community Development Department, for review and approval by the
33 Planning Commission, that addresses all Special Conditions set forth
34 herein, the applicable portion of the Zoning Ordinance, Subdivision
35 Regulations and any development agreement. Without the submittal and
36 approval of a Plot Plan, all development not shown thereon will not be
37 approved nor any building permits issued therefor. In addition to the
38 Planned Development (PD) conditions of approval, the Property Owner

1 (as used herein, that term shall mean any owner, developer, user or
2 person or entity holding a leasehold interest or other interest entitling
3 them to possess the Property or any portion thereof and any subsequent
4 transferee of such person) shall comply with all St. Marys ordinances.
5 The Property Owner has acknowledged that the site must adhere to a
6 Brownfield Corrective Action Plan, administered by the Georgia
7 Environmental Protection Division and will cooperate with all parties to
8 achieve the Plan as it now exists or as it may be amended from time to
9 time.

10 2. **Height Overlay District.** No buildings, structures, or manned equipment
11 may be constructed or permitted on the Property which exceeds 65 feet in
12 height unless 1) the building or structure is clearly shown on an SUP
13 Application and is subsequently approved and 2) the Property Owner at
14 its own expense agrees in a Developmental Agreement with City to
15 provide at a minimum all funds necessary for the City of St. Marys to
16 purchase firefighting equipment and provide the City Fire Department
17 personnel training in the use of the equipment and firefighting methods
18 sufficient for the City Fire Department to combat fires in the building
19 contemplated considering the size and contents of the contemplated
20 building. The equipment and training shall be those identified by City and
21 the equipment shall be and remain the property of City. The Property
22 Owner's obligations may be placed in a development agreement between
23 the owner and City. The height chart contained in the PD text is
24 superseded by these conditions and should be overwritten with "See
25 Special Conditions".

26 3. **Maritime Heritage District.** The Property shall not be considered a part of
27 the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. -
28 Maritime Heritage District (MHD) shall not apply thereto.

29 4. **Water and Sewer Services.** Any water or sewer lines and improvements
30 necessary or desirable but not extant at the time of this rezoning serving
31 the Property shall be constructed in conformity with City design
32 standards by the owner of the Property at owner's sole expense. Once
33 completed, the improvements shall be dedicated to City at no expense to
34 the City.

35 City water system shall be utilized as the source for all non-industrial use.
36 The City of St. Marys Point Peter Wastewater Treatment Facility shall
37 receive all industrial and non-industrial wastewater from this site. All
38 industrial wastewater shall only be treated by City pursuant to contract

1 with the owner of the Property setting conditions, pretreatment required
2 and rates for such effluent. Use of the on-site wells for industrial purposes
3 is regulated by GA EPD.

4 5. **Storage.** There shall be no storage of refuse not generated on site, and
5 there shall be no coal ash, or any particulate matter stored on site that
6 may escape or emit noxious odors to surrounding areas, including trash
7 to steam processing. Rail cars or containers shall only be stored (defined
8 as remaining in place for more than 96 hours), processed (loaded or
9 unloaded) or repaired in the areas designated on the Plot Plan.

10 6. **Streets and Roads.** All transportation facilities will be to City standards
11 and a traffic study for required improvement shall be a condition of
12 approval for any streets or roads. Proposed Port of St. Marys Industrial &
13 Logistics Center Planned Development District (PDD) Section II shall meet
14 minimum design standards for Streets, Lanes, Alleys, Right of Ways,
15 Lots, Blocks, Utility Easements, easement locations and open space.
16 Overall site design should be harmonious in terms of landscaping,
17 enclosure of principal and accessory uses, sizes and street patterns, and
18 use relationships. Access to the Property by truck traffic shall be limited
19 to Finley Street and St. Patrick Street, while keeping all storage yards
20 interior and well-protected from surrounding uses through buffering and
21 screening subject to approval by the city. Access to portions of the
22 Property abutting Meeting Street shall be limited where possible to
23 minimize the impact to surrounding commercial and residential areas. All
24 transportation facilities will be built and maintained to City standards and
25 the city in its discretion may require a traffic study as a condition to
26 approval of any permit. All roads shall be privately maintained unless and
27 until dedicated to and accepted by the City. Prior to Development, the
28 Property Owner shall provide a ten-foot wide non-motorized public
29 access easement to the Camden County PSA or City, at City's option, for
30 use by citizens of St. Marys for a multi-use path along the western
31 boundary of the site.

32 7. **Parking.** Parking standards for the City should be amended to provide
33 parking requirements for each new facility at time of plot plan and special
34 use permitting.

35 8. **Amendments to Existing Planned Development Districts.**

36 a. Any request pertaining to amending a PD District shall be
37 considered an amendment to the Zoning Ordinance and shall be

1 processed in accordance with the regulations set forth in the City
2 of St. Marys, Georgia Zoning Ordinance, Article VII, Amendments.

3 b. All information required in subsections (c) and (d) of Section 110-
4 68 of the Zoning Ordinance shall be submitted to the planning
5 commission and subsequently forwarded to the city council with
6 the recommendations of the planning commission.

7 c. If the amendment is approved by the city council, all information
8 pertaining to the proposal, presented or agreed to by the applicant
9 shall be deemed conditions of approval. All permits granted in the
10 PD District shall be in conformance with those conditions.

11 d. Before approval of an amended Planned Development District, the
12 city council may require a contract with safeguards satisfactory to
13 the city attorney guaranteeing completion of the development
14 according to the criteria listed herein. Such guarantee may include
15 the submission of a performance bond or letter of credit in an
16 amount set by the city council.

17 9. **Buffers and Open Areas.** Setbacks, buffers and open areas shall be
18 established as herein provided, and any required wetlands and salt marsh
19 jurisdictional setbacks shall also apply according to law throughout the
20 Property. There shall be a 200 foot buffer around the designated
21 Conservation Area (CA) a portion of which must be a planted buffer as set
22 forth herein. There shall be a 300 foot buffer from all storage, processing
23 and portage of hazardous material, as identified on the Final Plot Plan,
24 and adjacent to residential property lines.

25 All boundaries adjacent to other properties not part of the PD zone shall be
26 separated by a continuous planted 30 foot buffer sufficient to block all
27 views from ground level at the property line of the I-P portions of the
28 property from view from adjacent properties and roads (except at two entry
29 gates). Such buffer strip shall be composed of healthy plants which
30 possess growth characteristics of such a nature as to produce a dense,
31 compact planting screen that is opaque from ground level to a minimum of
32 six feet from ground level. The plantings shall be not less than six feet high
33 at planting and shall contain sufficient plants which have a growth
34 potential height of 30 feet and can block views continuously up to that
35 height in the locations required herein. Landscaped earthen berms 10 feet
36 high with plantings of a minimum of six feet high with growth potential of at
37 least 20 feet can be substituted for the buffers required herein. Property

1 Owner shall be responsible to nurture, maintain and replace any plantings
2 in any buffer.

3 The entranceways to the industrial portion of the Property, the pond at
4 Osborne and Meeting Streets, and a 200 foot wide buffer along those
5 portions of Osborne and Meeting Streets which abut any portion of the
6 Property shall be landscaped with grass and various plantings to make
7 these areas aesthetically pleasing. A planting plan and details of any
8 proposed earthen berm or other buffering improvements shall be shown on
9 a site plan containing the other improvements proposed at that time
10 submitted to City for approval prior to any development of the Property and
11 constructed at the same time as the improvements on the site plan. The
12 said site plan to contain a waiver of Property Owner's rights under the
13 Georgia's "Development Impact Fee Act" as it reads now or as it may be
14 amended, as it may apply. It is understood that any proposed landscaping
15 or berm or any other proposed improvements which would lie within
16 jurisdictional wetlands are subject to approval by the appropriate federal
17 and state agencies. The buffer, plantings and other improvements in the
18 area of a buffer must be continuously maintained in good and attractive
19 order by Property Owner.

20 Developer/Property Owner/Users shall install a fountain on the existing
21 pond within this buffer and a lighted sign within 50 feet thereof with only
22 the words "Welcome to Historic St. Marys" placed thereon in lettering of
23 sufficient size to be viewed from Osborne Street. A site plan for the
24 fountain and sign shall be submitted to City for approval within 60 days of
25 any approval of this Planned Development District and the fountain and
26 sign shall be completed within 6 months of the approval of the site plan.
27 Property Owner shall complete removal of concrete and asphalt debris and
28 clean up the 18 acre mixed use area so as to make it aesthetically pleasing
29 within 6 months of the time the Planned Development District rezoning is
30 approved. The 18 acre site is bounded on the west by Osborne Street, on
31 the east by the North River, on the south by Meeting Street and on the
32 north by Gallop Street.

33 **10. Changes to Definitions. The following changes are made to Section 2, E**
34 **Definitions of Land Use Terms and Density Terms:**

- 35 a. Section 2 Marine Facilities listing of allowed uses is amended to
36 replace the first listed allowed use with the following: "Shipping
37 facilities for shallow draft barges and vessels"

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- b. **Section 2 Marine Facilities listing of allowed uses is amended to replace the tenth listed allowed use with the following: “Bunker (Fuel) storage facilities limited to 100,000 gallons”**
- c. **Section 3 Neighborhood Commercial listing of permitted uses is amended to add the following provisions:**
 - i. **(3) No Drive Thru facilities permitted**
 - ii. **(4) No Single-family dwellings permitted**
 - iii. **(5) All non-specified commercial uses shall be special permitted uses (SUP)**

11. Utilities. A 10’ Public Utility Easement to City is required on all interior lot lines, and adjacent to all exterior boundary lines.

12. Timing of Development. The provisions of Section 110-185 (b)(7)(f) shall not apply to this rezoning of the Property. City shall not take action to rezone property to original zoning as described therein.

13. Materials.

- a. **Total Prohibition. The handling, storage, production or transit through the property of coal or coal ash, wood chips, wood logs, medical waste, hazardous waste (as defined in the U.S. Resource Conservation and Recovery Act and regulations enacted pursuant thereto) not produced on site, bulk petroleum or other fuels (except for above- ground storage of the amount permitted in Special Condition 10 (b)) including, without limitation, Liquid Natural Gas, medical waste (disposable equipment, instruments, utensils, human tissue, laboratory waste, blood specimens, or other substances that could carry pathogenic organisms), radioactive waste, municipal solid waste(as defined in O.C.G.A. 12-8-22) garbage not generated on site or waste material are prohibited on the Property. The temporary storage prior to off-site disposal of garbage and waste material generated on site is allowed.**
- b. **Manufacturing. The handling, storage, production or transit through the Property of the following materials: construction or demolition waste, rigid plastic bottles, rigid plastic containers, retreadable casings, radioactive materials, scrap tires, used tires, yard trimmings, all as defined in O.C.G.A. § 12-8-22, concrete and other aggregates, wood pellets, sawdust, scrap metal or other**

1 **recyclables and radioactive materials are prohibited except in**
2 **connection with manufacturing or processing on site and**
3 **shipment of materials manufactured or processed on site,**
4 **provided, however, that all such materials shall be stored within**
5 **completely enclosed buildings while on site. All raw materials**
6 **shall be kept in enclosed buildings while on the Property except**
7 **when being handled.**

8 **c. Special Use Permit. The handling, storage, or transit through the**
9 **property of the following materials: explosives, blasting agents,**
10 **detonators, all as defined in 18 U.S.C.A. § 841 on the Property are**
11 **prohibited. Production of those items is only allowed pursuant to**
12 **an SUP Issued by City Council with any conditions the Council**
13 **may choose to impose.**

14 **14. Lighting. All lighting on the property must be shielded so the source of**
15 **the light is not visible off the Property. Normal street lighting is excepted**
16 **from this provision.**

17
18 **15. Brownfield Program. The Property Owner shall not seek to remove the**
19 **Property from the Georgia Environmental Protection's Division's (EPD)**
20 **Brownfield Program other than by complying with the remediation**
21 **requirements thereof and the owner shall cooperate with the EPD and all**
22 **parties to achieve the Plan as It now exists or as it may be amended from**
23 **time to time.**

24
25 **16. Storage containers. Storage containers, such as gas or oil barrels or**
26 **conex boxes which are located or stored on the property should be**
27 **screened so they cannot be seen by a person standing on the ground at**
28 **the perimeter of the Property.**

29
30 **17. Rookery. Owner of Property (not including owner at the time this rezoning**
31 **application was made) shall make best efforts to obtain appropriate**
32 **permitting for and to provide at no expense to City at least four**
33 **observation blinds for viewing of the rookery without disturbing the**
34 **rookery together with access and parking for the public use thereof, all to**
35 **be shown and located on a site plan submitted to City for approval prior**
36 **to any development of the Property. Owner of Property shall preserve the**
37 **Conservation Area as a natural area and area suitable for use as a**
38 **rookery for wood storks perpetually.**
39

1 **18. Wetlands.** All wetlands and salt marshes on Property shall be used,
2 protected and maintained as part of all development plans in accordance
3 with state and federal laws, regulations and permitting requirements.
4

5 **19. Barge Limit.** No barges or other vessels may be moored in the North
6 River. In-water and land-based structures servicing commercial barge
7 activity and each industry seeking barge based traffic require a special
8 use permit.
9

10 **20. Dredging.** Property Owner shall not request any dredging of the North
11 River except to maintain current depth in strict compliance with Federal
12 and State regulations.
13

14 **21. Fossil Fuel Exploration.** No off-shore fossil fuel exploration
15 staging/support facilities shall be allowed on the Property unless as an
16 SUP.
17

18 **22. Odors.** No industrial use that may produce injurious or noxious noise,
19 vibration, smoke, gas, fumes, odor, dust, fire hazard or other conditions
20 objectionable to an ordinary, reasonable person as a result of its
21 operation shall be allowed unless permitted by an SUP granted by City
22 Council. Such uses shall be located a minimum of 200 feet from adjoining
23 property lines and must be in conformance with all applicable rules and
24 regulations administered by the Environmental Protection Division of the
25 Georgia Department of Natural Resources.
26

27 **23. Naval Vessels.** Property Owner shall coordinate routes and shipping
28 volumes for vessels entering or leaving the Property and shall develop a
29 de-confliction procedure with the U. S. Navy and Coast Guard and
30 conform thereto. The transit of naval assets in and out of the Intracoastal
31 Waterway shall not be interfered with by vessels entering or leaving the
32 Property.
33

34 **24. Traffic.** The Property Owner will coordinate with the City of St. Marys and
35 the Georgia Department of Transportation (GDOT) regarding traffic and
36 site access and to that end will, at no expense to City, provide a detailed
37 traffic study acceptable to GDOT.
38

1 **25. Noise.** All present or future Property Owners or occupiers of any portion
2 of the Property shall strictly comply with all St. Marys Ordinances
3 including, without limitation, the noise ordinance Section 46-69.
4

5 **26. Process.** The Port of St. Marys Industrial & Logistics Center Planned
6 Development District (hereinafter referred to as "District" or "the
7 District") and each of the exhibits attached thereto (Exhibits A through H)
8 as altered by these Special Conditions are incorporated into this rezoning
9 planned development ordinance and made a part hereof. The applicants
10 and any successors in interest in the developments of the District shall
11 comply with and be bound by the Planned Development District text and
12 each of the aforesaid exhibits. The District shall be rezoned to those
13 zoning classifications as shown on exhibit A and only those uses
14 authorized by the District plan in the respective zoning classifications as
15 identified in SECTION II B. Allowed Land Uses shall be permitted, except
16 as amended by these conditions. Prior to any development or
17 improvement including any building or structure on any property or
18 portion of the Property within the District, a Plot Plan or Site Plan (those
19 terms being used interchangeably in this Exhibit H and the entire PD Text
20 and Exhibits) of any area to be improved at such time must be filed with
21 the City requesting approval as provided in Sec. 110-68(c) of the Zoning
22 Ordinance of the City of St. Marys. No building permit or other
23 development permit required under the ordinances of St. Marys shall
24 issue nor shall any application therefor be accepted until the Plot Plan is
25 approved by the City Planning Commission under the provisions of the
26 Zoning Ordinance.
27

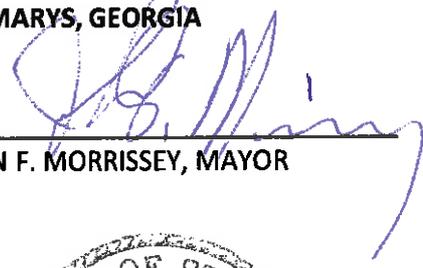
28 **27. Independent Port.** No portion of the Property shall be used as a laydown
29 yard or storage area for another port or as an accessory or subsidiary
30 operation to any other port. Normal, non-preferential, not regularly
31 recurring trade with any port is not prohibited hereby.
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This Amendment shall become effective upon passage.

**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**



JOHN F. MORRISSEY, MAYOR

ATTEST:



**DEBORAH WALKER-REED, CITY CLERK
CITY OF ST. MARYS, GEORGIA**

