

AGENDA

To: Board of Zoning Appeals / Planning Commission Members
From: Department of Planning and Economic Development
Subject: Meeting Agenda: September 8, 2020
Cc: Ron Feldner, Rhonda Ferrell-Bowles; Clerk of Council

Note: Pre-agenda is scheduled for September 8, 2020 - 5:00pm; City Hall

Zoning Appeals

PC2013: Gary Scott; property owner, request a rear setback variance to place an accessory building at 2613 13th Street. PIN6-0926-02-023.

Planning Commission

PC2014: Michael W. Howard; property owner, request to rezone 1301 Junction Avenue from R-2 to C-2 for proposed use as a showroom for L & H Industrial Services. Inc. PIN 6-0802 -05-019

PC2015: An ordinance to amend the zoning ordinance of Garden City, Georgia, as amended; to amend Paragraph 14 and 15 of Section 90-47(B) to permit Day Nurseries, Kindergartens and child care centers in all mixed-use zoning districts located within the City; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Public hearing for PC2014 and PC2015 by City Council is scheduled for September 21, 2020 with Consideration by City Council scheduled for October 5, 2020 at 6pm in the Council Chambers, 100 Central Avenue, Garden City, GA 31405.

City of Garden City Variance Application



GARDEN CITY

Development Information

Development Name (if applicable)

GARY SCOTT

Property Address

2613 13th st.

Current Zoning

R-1 Residential

Current Use

Residential

Parcel ID

60926 02023

Total Site Acreage

.62

Section of the zoning code from which you are seeking a variance

90-14

Describe the variance request you are requesting

It's a 25ft variance i need 13ft off the back property line to get in and out the garage safely

Would denial of this request create practical difficulty or an unnecessary hardship?

Yes the oak tree poses a hardship which will not allow me to place my garage where it need to be according to the city code so i can back out

Does the property have extraordinary and exceptional conditions because of its size, shape or topography?

N/A

Are the conditions of the property unique to this piece of property?

No

Would approval of this variance request cause any detriment to adjoining properties or the community?

No it will not

Please provide any additional information that you deem relevant.

I own my property for 7yrs and decided to build my house 2yrs ago as a good neighbor i place my privacy fence 4ft off the line because my neighbor had a flower garden nearby



GARDEN CITY
PLANNING &
ECONOMIC DEVELOPMENT

MEMORANDUM

To: Garden City Planning Commission & Board of Appeals
From: Scott Robider
CC: Ron Feldner
Date: September 3, 2020
Re: PC2013: Gary Scott – 2613 13th Street (PIN 6-0926-02-023)

The City staff has reviewed the request Mr. Scott regarding a variance request for the rear setback for placement of an accessory building at **2613 13th Street**. This variance request is to vary from the City's current setback requirements as outlined in *Section 90-14 of The Code of Ordinances*. The petitioner desires to construct a garage for his residence, but has site constraints due to the proximity of a protected specimen tree adjacent to the residence which impedes the potential vehicle turning radius. As such, Mr. Scott is requesting a 25-foot variance in order to construct the accessory building further toward the rear of his property. The intent of the setback ordinance is to ensuring a safe and proper clearance from adjacent structures and property lines. The requested variance would allow for adequate clearances, and not subject this proposed structure, or neighboring structures to unsafe conditions.

City Staff Position: Based on the information described above and within the attached documents, the City staff request consideration for **approval** of this Variance Request.

The Planning Commission's approval of the site plan only constitutes the initial step in the overall process and additional requirements still must be met prior to commencement of any construction activities. The Petitioner should note that final approval of the site plan will require City staff approval of the detailed engineering plans for the project through the City's standard process and a Land Disturbance Activity (LDA) Permit must be issued prior to construction. The Petitioner should also note that final approval of the site architectural plans will require City staff approval via its standard process and a building permit must be issued before vertical construction shall commence.

Sec. 90-14. - Accessory buildings.

Accessory buildings shall conform to the following requirements:

- (1) *Location, number, size, height, and setback of accessory buildings on residential lots.*
- a. An accessory structure shall be located on the same lot as the principal residence structure to which it is accessory.
 - b. No accessory structure shall be constructed upon a lot until construction of the principal residence structure has commenced.
 - c. An accessory structure shall not be permitted in a front or side yard, excepting basketball goals which are attached to the principal residence structure or erected adjacent to and abutting the driveway of the principal residence structure where the driveway area is utilized as court play area for the goal.
 - d. No more than three accessory buildings or structures unattached to the principal residence structure shall be permitted.
 - e. A residential accessory structure shall not be rented or occupied for gain.
 - f. No unattached accessory building or structure may exceed the height of the primary dwelling on the lot.
 - g. No accessory structure shall be located closer than five feet to a side or rear lot line if the structure is located 20 feet or more to the rear of the principal residence structure.
 - h. An accessory structure located closer than 20 feet to the principal residence structure shall comply with the yard requirements of the principal residence structure to which it is accessory.
 - i. Where a corner lot adjoins, in the rear, a lot in a residential district, no accessory structure shall be located closer to the side street right-of-way line than the principal residence structure or closer than 25 feet to the rear property line. The setback of 25 feet will not be required when the adjoining yard is a rear yard.
 - j. When an accessory structure is attached to the principal residence structure by a breezeway, passageway or similar means, the accessory structure shall comply with the yard requirements of the principal residence structure to which it is accessory.
 - k. Accessory uses in an apartment development may include, but shall not be limited to, laundry facilities, which must be housed in a permanent structure, for the convenience of residents.
 - l. Accessory buildings shall not exceed the following accumulative areas:

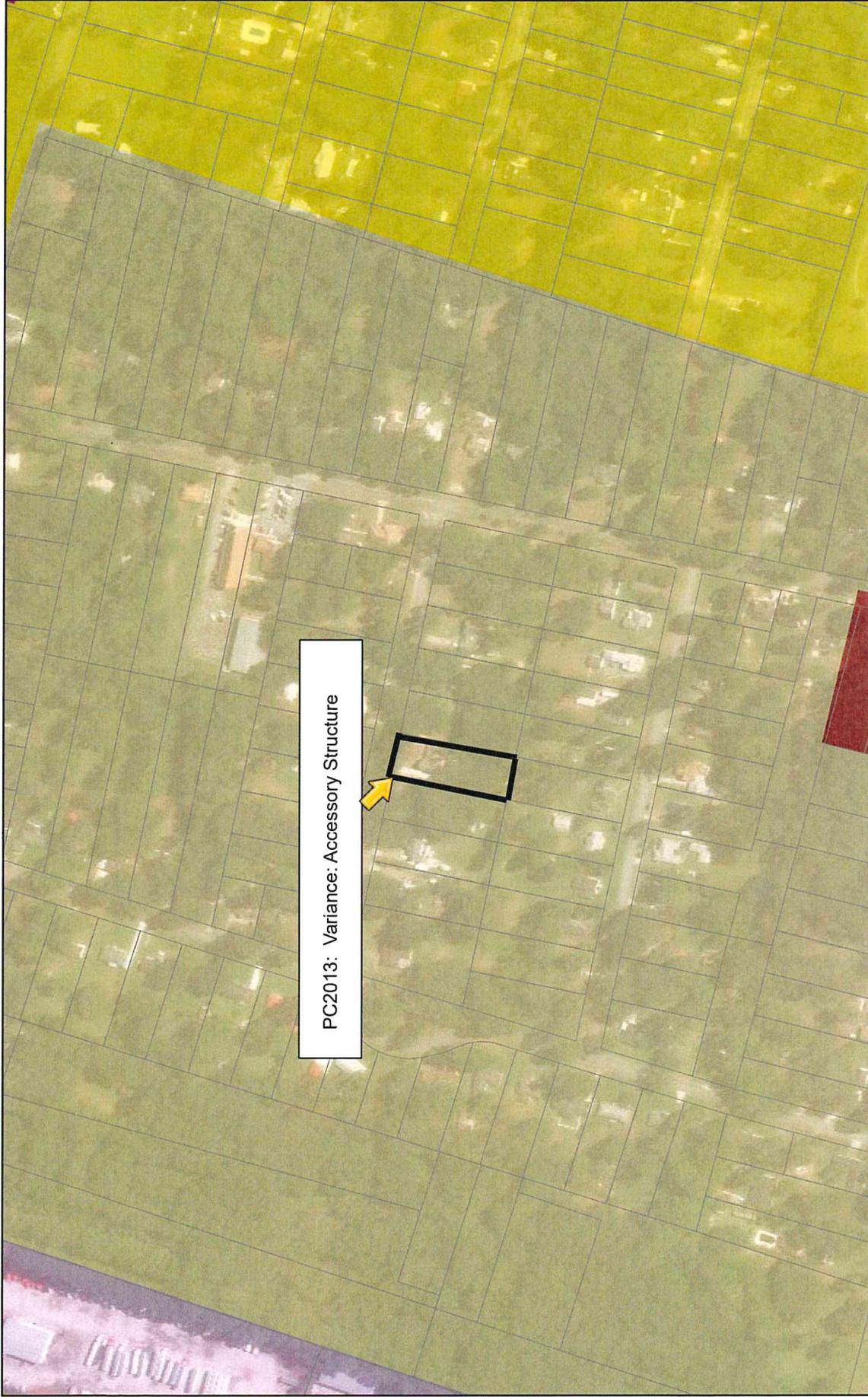
Property Size Accumulative Area

0 to 0.999 acres:	900 sq. ft.
1 to 4.999 acres:	1200 sq. ft.
5 to 9.999 acres or more:	2000 sq. ft. max.

- m. Recreational accessory structures incidental to primary use residences shall be limited to swimming pools, tennis courts, basketball goals, and handball or racquetball courts.
 - n. The board of appeals shall be authorized to vary the above mentioned restrictions on an individual case by case basis pursuant to the criteria set forth in section 90-213(3) of the Code.
- (2) *Nonresidential lots.* Accessory buildings on nonresidential lots shall comply with front, side and rear yard requirements established for the zoning district in which such accessory buildings are located.
- (3) *Temporary construction buildings.* A temporary building established in connection with a construction project or real estate development shall be permitted any place on a lot, provided such building shall comply with the front, rear and side yard requirements established for the zoning district in which such building is located.

(Code 1976, § 8-3003(h); Ord. of 3-19-84(1), § 1; Ord. of 5-7-90(2), § 1; Ord. of 9-16-91, § 2; Ord. of 4-19-93, § 1; Ord. of 10-5-98(2), § 1)

Parcel I.D. 6-0926-02-023



PC2013: Variance: Accessory Structure

8/21/2020, 4:50:17 PM

Chatham County Parcels

Zoning Classifications

C-2A = Heavy Commercial with Alcoholic Sales

I-1 = Industrial

I-2 = Industrial

R-1 = Residential

R-2 = Residential

R-A = Residential - Agricultural

Garden City Limits

1:4,514

0 0.03 0.05 0.07 0.1 0.13 mi

0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

Esri, HERE, Garmin, IPC | USDA FSA, GeoEye, Maxar | Geo Rec

City of Garden City Rezoning Application



GARDEN CITY

Applicant Information

Owner	
Name	Address
Michael W. Howard	3722 Old Louisville Rd. Garden City, GA. 31408
Phone	Email
(912) 777-5836	mike@LHindustrialinc.com

Nature of Ownership Interest

Is the Owner an: Individual Partnership Sole Proprietor Firm Corporation Association

Note: If a corporation, submit a list of officers, directors & major stockholders with name, address and title.

If a partnership: Submit list of all partners with name, address and title.

Engineer/Surveyor Same as authorized agent Check here to receive staff review comments via email

Company Name	Contact (Individual Name)
Phone	Email

Authorized Agent (Requires Authorized Agent Form) Check here to receive staff review comments via email

Company Name	Contact (Individual Name)
Phone	Email

Campaign Contribution

List below the names of local government officials, Garden City City Council, to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Official's Name	Amount or Description of Gift

I understand that I will need to attend or be represented by a duly authorized agent at the meeting of the Planning Commission and City Council and that my application cannot be approved unless I am represented.

Michael W. Howard

7/29/2020

Print Name

Signature

Date

OFFICE USE ONLY		
Received By	Date Received	Case Number
Submittal Format <input type="checkbox"/> Electronic <input type="checkbox"/> Paper <input type="checkbox"/> Both	Fee Amount Paid	Invoice Number

City of Garden City Rezoning Application



GARDEN CITY

Development Information

Development Name (If applicable)

Michael W. Howard

Property Address

1301 Junction Ave.

Garden City, GA. 31408

Current Zoning **Proposed Zoning**

R-2

C-2

Current Use **Proposed Use**

Vacant Lot / Parking Area

Retail Showroom for existing business across the street

Parcel ID **Total Site Acreage**

6-0802 05019

.50 Acre

Proposed Water Supply **Proposed Sewage Disposal**

Public Private

Public Private

Describe the current use of the property you wish to rezone, including property characteristics (developed, wooded, cleared, etc.)

Partially Cleared, Current use is parking area for employees of L&H Industrial Services Inc.

Describe the use that you propose to make of the land after rezoning

Proposed use will be a showroom for L&H Industrial Services Inc. which is located across the street

Describe the uses of the other property in the vicinity of the property you wish to rezone

Mixture of C-2, I-2 and R-2

Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property

Proposal is compatible with current business surrounding lot.

Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools? Describe the proposed access.

No

Please provide any additional information that you deem relevant.



GARDEN CITY
PLANNING &
ECONOMIC DEVELOPMENT

MEMORANDUM

To: Garden City Planning Commission & Board of Appeals
From: C. Scott Robider
Date: September 3, 2020
Re: PC2014: L & H Industrial Services Inc.

The petitioner, Mike W. Howard, is seeking to develop a new showroom for his current business which is located at 3722 Old Louisville Road. The proposed new showroom is to be located directly across the street at 1301 Junction Avenue (PIN 6-0802-05-019) which is currently owned and utilized by L & H as employee parking. The proposed location for the showroom is currently zoned R-2 and petitioner is requesting the property be rezoned to C-2 to allow for his business expansion. The surrounding properties located in the vicinity of this proposed rezoning are currently a mixture of C-2, I-2 and R-2 zoning classifications. The proposed request has been evaluated against the standards governing the exercise of the Board of Zoning Appeals/Planning Commission powers of Garden City which are as follows;

- 1) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
Yes. The current zoning posture of the area is a mixture of C-2, I-2 and R-2 and the proposed expansion site will be adjacent to an existing commercial building.
- 2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
No. The property is located within a cluster of existing properties currently zoned C-2
- 3) Could traffic be created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards?
No. Based on the review by the City Staff the current location has very light daily traffic and the business generally produces very little noise with no evidence of traffic hazards.
- 4) Will this request place irreversible limitations or cause material detriment on the area similarly zoned as it is or on future plans for it?
No. The revised zoning to C-2 is fully compatible with the area and the proposed development will replicate existing commercial properties in this area.
- 5) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
Yes. L & H Services is currently in need of additional operating space. The property is currently owned and utilized by the company in order to support the parking needs of customers and staff members.

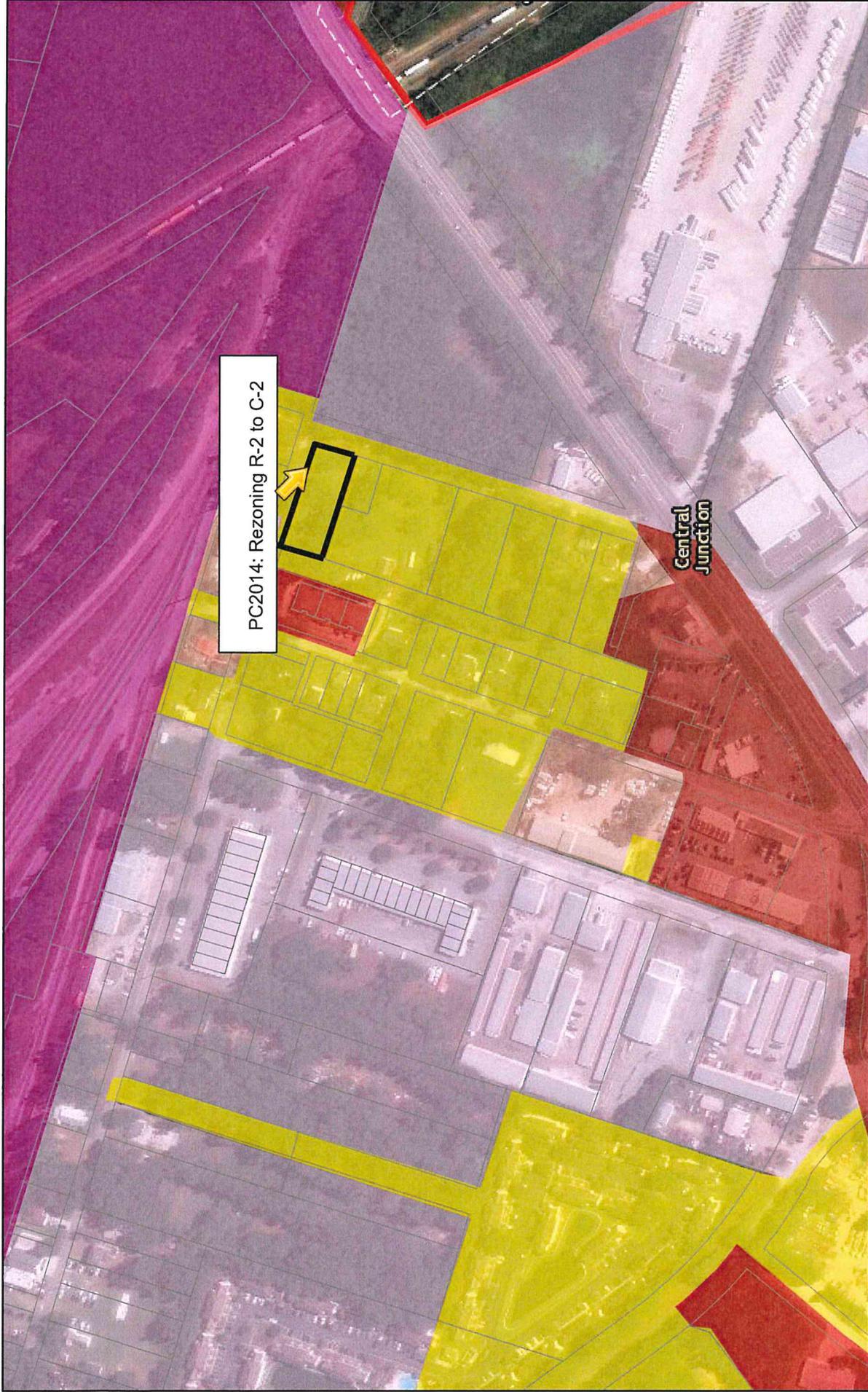
6) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

No. The proposed rezoning and development of this property by the petitioner will improve not only the aesthetics of the area but potentially the value of adjacent properties which may lead to additional commercial development.

(Code 1976, § 8-3028; Ord. of 1-6-86(2), § 1; Ord. No. 2017-8, § 1, 10-16-17)

City Staff Position: The City Staff have reviewed the above criteria and would recommend consideration for **approval** of this request.

Parcel I.D. 6-0802 -05-019

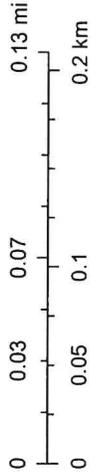


PC2014: Rezoning R-2 to C-2

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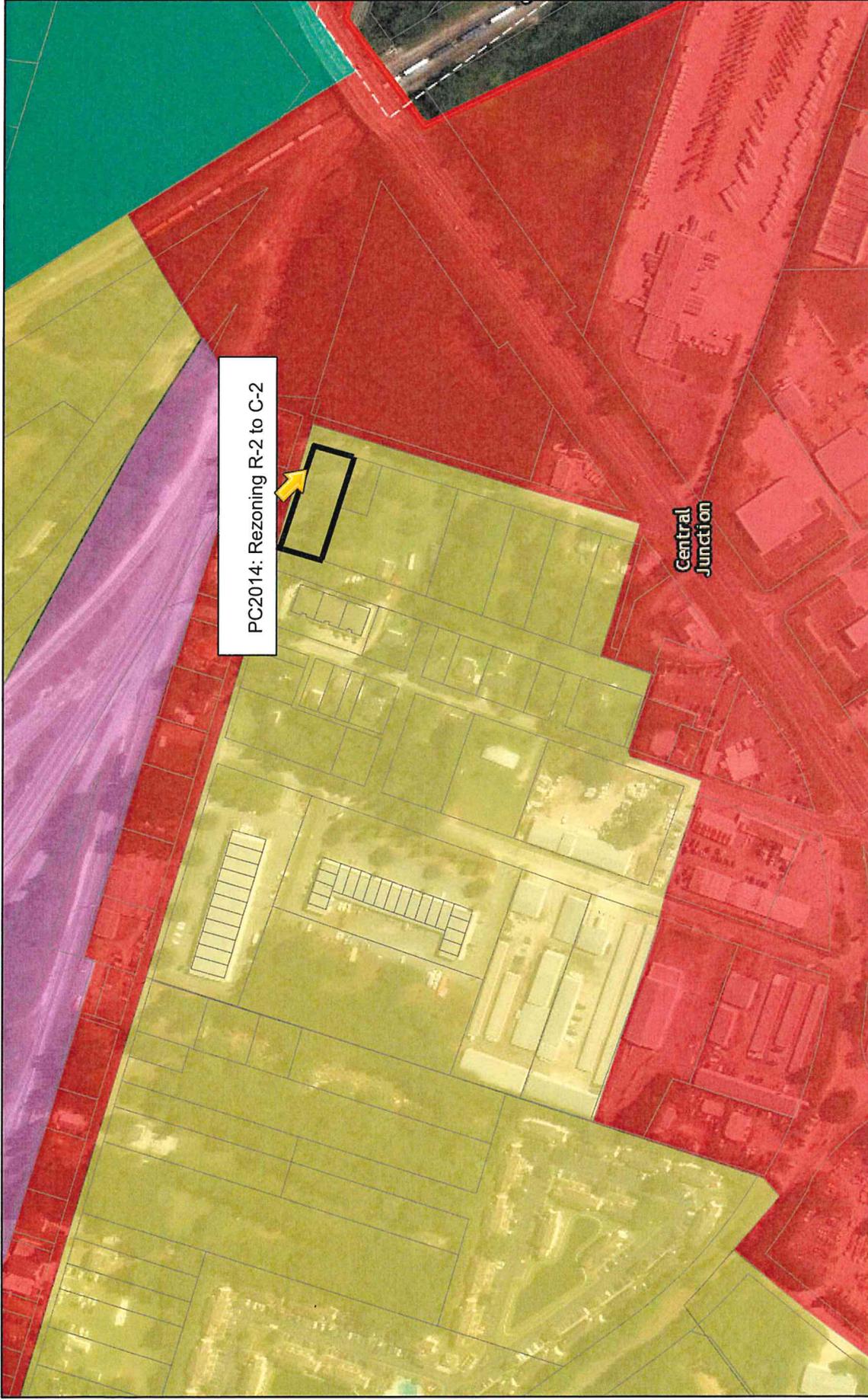
1:4,514

- Chatham County Parcels
- C-2 = Heavy Commercial
- R-2 = Residential
- C-2A = Heavy Commercial with Alcoholic Sales
- I-1 = Industrial
- I-2 = Industrial
- Garden City Limits



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, Esri, HERE, Garmin, iPC | USDA FSA, GeoEye, Maxar | Geo Rec

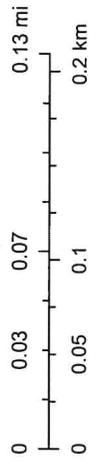
Parcel I.D. 6-0802 -05-019



8/21/2020, 4:40:08 PM

- Chatham County Parcels
- Future Land Use
- Residential
- Commercial
- Industrial
- Mixed Use
- Garden City Limits

1:4,514



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, Esri, HERE, Garmin, iPC | USDA FSA, GeoEye, Maxar | Geo Rec

City of Garden City – Zoning Text Amendment Application



GARDEN CITY

Applicant Information

Applicant	
Name	Address
City of Garden City	100 Central Avenue Garden City GA 31405
Phone	Email
912-966-7777	srobider@gardencity-ga.gov
Engineer/Surveyor	<input type="checkbox"/> Same as authorized agent <input type="checkbox"/> Check here to receive staff review comments via email
Company Name	Contact (Individual Name)
N/A	N/A
Phone	Email
N/A	N/A
Authorized Agent (Requires Authorized Agent Form) <input type="checkbox"/> Check here to receive staff review comments via email	
Company Name	Contact (Individual Name)
N/A	N/A
Phone	Email
N/A	N/A

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Elected Official's Name	Amount or Description of Gift

I understand that I will need to attend or be represented by a duly authorized agent at the meeting of the Planning Commission and City Council and that my application cannot be approved unless I am represented.

C. Scott Robidee
 Print Name

Signature

8/10/20
 Date

OFFICE USE ONLY		
Received By	Date Received	Case Number
Submittal Format <input type="checkbox"/> Electronic <input type="checkbox"/> Paper <input type="checkbox"/> Both	Fee Amount Paid	Invoice Number

City of Garden City – Zoning Text Amendment Application



GARDEN CITY

Development Information (If applicable)

Development Name

N/A

Property Address

N/A

Current Zoning	Proposed Zoning
N/A	N/A
Current Use	Proposed Use
N/A	N/A
Parcel ID	Total Site Acreage
N/A	N/A
Proposed Water Supply	Proposed Sewage Disposal
<input type="checkbox"/> Public <input type="checkbox"/> Private	<input type="checkbox"/> Public <input type="checkbox"/> Private

Zoning Classification Alteration Request

District/Classification: M

Code Section: Paragraph 14 and 15 Section 90-47(B)

Specific Request:

An ordinance to amend the zoning ordinance of Garden City, Georgia, as amended; to amend Paragraph 14 and 15 of Section 90-47(B) to permit Day Nurseries, Kindergartens, and Child Care Centers in all Mixed-Use zoning districts located within the City; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Justification for Request:

To permit Day Nurseries, Kindergartens and Child Centers to operate in all mixed-use zoning districts within the City.

Please provide any additional information that you deem relevant.

- (14) *Day nurseries and kindergartens:* R-A(B), R-1(B), R-2(B), R-I-N, C-1, C-2(B). The following regulations shall apply to this use:
- a. One hundred square feet of outdoor play space shall be provided for each child in districts requiring board of appeals approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
 - b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street or a major arterial. The board of appeals shall be authorized to waive this requirement for uses with no more than 75 children if on the basis of evidence presented it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets.
 - c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - d. Such use shall provide at least one parking space for each two employees, plus one additional space for each ten children.
 - e. Where an abutting use is residential, a visual buffer shall be provided and regularly maintained so as to shield all parking areas, play areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the board of appeals, or an appropriately designed fence or wall or a combination thereof.
 - f. One nonilluminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that, where such use is adjacent to or directly across from a nonresidential use or district, the board of appeals may allow a principal use sign of up to 12 square feet in area when it is located on the side of the property facing the nonresidential use or district.
- (15) *Child care center:* R-2(B), R-I-N, C-1, C-2(B). The following regulations shall apply to this use:
- a. One hundred square feet of outdoor play space shall be provided for each child in districts requiring board of appeals approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
 - b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street or a major arterial. The board of appeals shall be authorized to waive this requirement if on the basis of evidence presented it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.
 - c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - d. Such use shall provide at least one parking space for each two employees, plus one additional space per each ten children.
 - e. There shall be no onsite outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - f. Where an abutting use is residential, a visual buffer shall be provided and regularly maintained so as to shield all parking areas, play areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the board of appeals, or an appropriately designed fence or wall or a combination thereof.
 - g. One nonilluminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that where such use is adjacent to or directly across from a nonresidential use or district the board of appeals may allow a principal use sign of up to 12 square feet in area when it is located on the side of the property facing the nonresidential use or district. Exterior drawings, graphics or pictorials are prohibited.

ORDINANCE 2020-

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF GARDEN CITY, GEORGIA, AS AMENDED; TO AMEND PARAGRAPHS 14 AND 15 OF SECTION 90-47(B) TO PERMIT DAY NURSERIES, KINDERGARTENS, AND CHILD CARE CENTERS IN ALL MIXED USE ZONING DISTRICTS LOCATED WITHIN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority thereof that:

Section 1: Section 90-47(b), Paragraph 14 of the City's Code of Ordinances, entitled "Permitted Uses; Provisions Regarding Uses in Zoning Districts: Day Nurseries and Kindergartens," and Section 90-47(b), Paragraph 15 of the City's Code of Ordinances, entitled "Permitted Uses; Provisions Regarding Uses in Zoning Districts: Child Care Centers," are hereby amended to permit day nurseries, kindergartens, and child care centers to operate in all mixed use zoning districts within the City. As amended, said Paragraphs 14 & 15, shall read as follows:

"(14)Day nurseries and kindergartens: R-A(B), R-2(B), R-I-N, C-1, C-2(B), C-2A(B),C-2A(B&W)(B), & M. The following regulations shall apply to this use:

- a. One hundred square feet of outdoor play space shall be provided for each child in districts requiring Board of Appeals approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
- b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street or a major arterial. The Board of Appeals shall be authorized to waive this requirement for uses with no more than 75 children if on the basis of evidence presented it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets.
- c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.

- d. Such use shall provide at least one parking space for each two employees, plus one additional space for each ten children.
- e. Where an abutting use is residential, a visual buffer shall be provided and regularly maintained so as to shield all parking areas, play areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board of Appeals, or an appropriately designed fence or wall or a combination thereof.
- f. One non-illuminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that, where such use is adjacent to or directly across from a nonresidential use or district, the Board of Appeals may allow a principal use sign of up to 12 square feet in area when it is located on the side of the property facing the nonresidential use or district."

(15) Child Care Center: R-2(B), R-I-N, C-1, C-2(B), C-2A(B), C-2A(B&W) (B) & M. The following regulations shall apply to this use:

- a. One hundred square feet of outdoor play space shall be provided for each child in districts requiring Board of Appeals approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
- b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other

streets. Approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

- c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
- d. Such use shall provide at least one parking space for each two employees, plus one additional space per each ten children.
- e. There shall be no onsite recreation activities after 9:00 p.m. or later than one hour after dark, whichever occurs first.
- f. Where an abutting use is residential, a visual buffer shall be provided and regularly maintained so as to shield all parking areas, play areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board of Appeals, or an appropriately designed fence or wall or a combination thereof.
- g. One non-illuminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that where such use is adjacent to or directly across from a nonresidential use or district, the Board of Appeals may allow a principal use sign of up to 12 square feet in area when it is located on the side of the property facing the nonresidential use or district. Exterior drawings, graphics or pictorials are prohibited."

Section 2. Subsection (f) of Section 90-49 of the

City's Code of Ordinances, entitled "Designation of Mixed-Use Districts, Permitted Uses" is hereby amended by deleting Subparagraph (d) of Paragraph (2) which currently excludes day nurseries and kindergartens from mixed-use zoning districts, and by replacing it with the following:

"(f) (2) Permitted Uses; Civic Functions:

(d) Public and private schools, including day nurseries , kindergartens and child care centers."

Section 3. This ordinance shall become effective on the date of passage.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED this _____ day of _____, 2020.

RHONDA FERRELL-BOWLES
Clerk of Council

RECEIVED AND APPROVED this the _____ day of _____, 2020.

DON BETHUNE
Mayor

Read first time:
Read second time and approved: