



September 5, 2023 9:00 am

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Paulette Chavers
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 08-15-2023 Work Session Minutes
 - b) 08-15-2023 Council Minutes
 - c) 08-15-2023 Executive Session Minutes
5. Public Hearing and First Reading of **Ordinance 2023-08**: An Ordinance amending Chapter 18 Businesses of the Statesboro Code of Ordinances in order to implement Article XI creating licensing and operational requirements for event spaces.
6. Second Reading and Consideration of a motion to approve **Ordinance 2023-07**: An Ordinance amending Appendix A Zoning of the Statesboro Code of Ordinances in order to implement Article XXXII creating security requirements for apartment complexes, namely camera systems and controlled vehicular access.
7. Public Hearing and First Reading of **Ordinance 2023-11**: An Ordinance amending Chapter 18 Businesses of the Statesboro Code of Ordinances in order to implement Article XII creating a regulatory structure to allow for mobile public vending on City right of way.
8. Public Hearing and First Reading of **Ordinance 2023-12**: An Ordinance adopting the Statesboro Unified Development Code.
9. Public Hearing and First Reading of **Ordinance 2023-13**: Ordinance amending Chapter 22: Cable Communications.
10. Public Hearing and First Reading of **Ordinance 2023-14**: Ordinance amending Chapter 26: Cemeteries.
11. Public Hearing and First Reading of **Ordinance 2023-15**: Ordinance amending Chapter 38: Environment.
12. Public Hearing & Consideration of a Motion to approve application for an alcohol license in accordance with The City of Statesboro alcohol ordinance Sec. 6-13 (a)
 - Parkers #20
 - 141 Lanier Dr
 - Statesboro, Ga 30458
 - License Type: Package Sales (Beer & Wine only)

13. Public Hearing & Consideration of a Motion to approve application for an alcohol license in accordance with The City of Statesboro alcohol ordinance Sec. 6-13 (a)
Birdies at the Mall
325 Northside Dr East
Statesboro, Ga 30458
License Type: Bar with Kitchen
14. Consideration of a motion to approve **Resolution 2023-40**: A Resolution to adopt the first amendment to the Fiscal Year 2024 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.
15. Consideration of a motion to approve **Resolution 2023-41**: A Resolution to adopt the Standard Operating Procedures and Policies for city boards and commissions.
16. Consideration of a motion to approve **Resolution 2023-42**: A Resolution updating the Language Access Plan for the City of Statesboro.
17. Consideration of a motion to approve the guidelines and application for the Security Enhancement Incentive Program.
18. Consideration of a motion to approve the purchase of required equipment to “upfit” 8 patrol cars in the Statesboro Police Department not to exceed \$286,000.00.
19. Consideration of a motion to amend the Development Agreement with L&S Acquisitions LLC to provide a time extension for installation of infrastructure associated with Fernhill Farms subdivision.
20. Other Business from City Council
21. City Managers Comments
22. Public Comments (General)
23. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” “Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b)
24. Consideration of a Motion to Adjourn



CITY OF STATESBORO
WORK SESSION MINUTES
AUGUST 15, 2023

Mayor & Council Work Session

50 East Main Street

3:00 PM

A Work Session of the Statesboro City Council was held on August 15, 2023 at 3:00 p.m. in the Council Chambers at City Hall, 50 East Main Street. Present was Mayor Jonathan McCollar; Council Members: Phil Boyum, Paulette Chavers, Venus Mack, John Riggs and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny, Assistant City Manager Jason Boyles, Assistant to the City Manager Olympia Gaines, and Public Information Officer Layne Phillips.

1. Statesboro Bulloch County Transportation Plan

Glenn Cohen with Goodwin Mill Cawood (GMC) stated the transportation planning process begins with data collection, identifying needs, establish goals & objectives, develop solutions for deficiencies, recommend projects & programs, and the final recommended plan. Key factors begin with a review of the Long Range Transportation Plan from 2009, assessing the needs of multimodal traffic such as bus, bike, walking and driving and the functionality of transportation. The project schedule spans over a year broken down into nine tasks. There are many opportunities for public involvement through a technical advisory committee, public open house workshops, online community transportation survey, community snapshot factsheets & newsletters, and project website and social media updates. In addition throughout the process updates will be presented to Mayor and City Council as well as to the Board of Commissioners. The set goals are to develop a high-quality planning document, provide an action plan of implementable solutions by building off of local knowledge of Statesboro and Bulloch County. Lastly is to ensure the feasibility and constructability of recommended projects. Mr. Cohen thanked Public Information Officer Layne Phillips for creating the logo for the plan project.

3:18 pm Councilmember Phil Boyum joined the meeting.

2. Unified Development Code

Caleb Racicot with TSW presented a follow-up on the urban forest standards of the draft City of Statesboro Unified Development Code and reviewed the options discussed at the June work session. Option 1: Amenity Space would require an expanded amenity space to all residential districts, except R-2 and R-40. A development with 30 or more units would require a minimum of 10% amenity space such as playgrounds, pools, sports courts, community lawns and gardens, hardscape pedestrian areas, splash pads, walking trails, dog parks, and wooded areas. Option 2: One Tree, would require every single-family lot to have at least one medium or large tree at all times. The tree could be in the front or rear yard and would apply to new construction. Option 3: Two Trees, and Option 4: Reduced Canopy were removed and options 1 and 2 be combined. Mr. Racicot presented two combined options; Option 5: would require a new development with 30 or more units to maintain or replant at least one medium or large canopy tree on each lot and provide at least 10% amenity space having at least 75% tree canopy. Option 6: would require new developments with 30 or more units to provide at least 10% amenity space having at least 75% tree canopy and to maintain or replant one large tree per 2 lots. Mr. Racicot also introduced a non-UDC incentive to develop a voluntary program to plant trees in the front yards of houses.

Councilmember Riggs stated he is in favor of option 6 and likes the non-UDC incentive program.

Mayor Pro Tem Shari Barr stated she was thinking from the last work session that we wanted both amenity space as well as require two trees per lot and that is what I want. The Tree Board has been discussing setting up a program to use Tree Board funds to help plant trees for homeowners to help offset the costs.

Mr. Racicot clarified that a modification would need to be made to either option 5 or 6 to require both amenity space and trees. He also recommended lowering the 75% tree canopy requirement.

After further council discussion it was agreed to move forward with the requirement for amenity space as well as one tree per lot and to lower the 75% tree canopy requirement.

City Manager Charles Penny stated the plan is to place this item on the agenda for first reading on September 5, 2023 with a second reading taking place on September 19, 2023.

Mayor Pro Tem Shari Barr asked where we are on the regulation of scooters in Statesboro.

City Manager Charles Penny stated city staff with need to come back to council on the scooters. We have been in conversation with the scooter company regarding liability insurance and things of that nature. We will come back to you when we hear back from them. Georgia Southern University has decided to not allow scooters on their campus this year.

3. Employee Benefits

Jonathan Shaw with NFP, the City's benefits consultant since 2019 presented an annual update on how the city's plan has performed year over year. Mr. Shaw began with a bar graph illustrating amounts of total claims vs. net claims after stop loss rebates. The city is a partially self-funded insurance plan and because of that the city has what is called stop loss insurance which give a true stop gap on what the city is responsible for on any one member. He also presented a graph illustrating the total claims premium vs. net paid claims premium as well as the number of high cost claimants is defined as anyone with a claim over \$25,000. High cost claimants continue to rise and is a troubling trend which causes and uptick in the total cost. The lifestyle related claims include diabetes, asthma, heart disease, lower back pain, and depression. The wellness incentive is to help with these lifestyle related conditions and has a 60% participation of eligible employees. In order to participate in the incentive program an employee and covered spouse must complete a biometric screening, complete a tour of the city gym, complete a physical exam by September 30th and complete some other type of medical visit before the end of the year. The incentive gives a \$28.85 biweekly discount to the health insurance premium. Mr. Shaw also presented an Everside Health analytics graph stating the clinic is being utilized less and less each month. Since COVID there has been an increase in the lifestyle related claims. We want to put an increased focus on wellness and preventative care and create comprehensive strategies to address those lifestyle conditions.

4. Apartment Security Ordinance

City Attorney Cain Smith presented a draft Apartment Security ordinance beginning with the definition of an apartment complex is a commonly owned parcel containing more than 25 residential units available for short and long term rental or lease. This article shall not apply to apartment complexes existing as of the date this article is approved, but shall apply to any newly constructed apartment complexes, apartment complexes changing ownership, or any apartment complexes being renovated/modified which requires a building permit. As it is written now Section 3202 (a) *Camera System* states "every apartment complex shall have video cameras located at all vehicular entrances and exits to the Apartment complex. These systems shall be connected with Fusus or any other data collection system then in use by the Statesboro PD. Video footage must be retained and archived for a minimum of seven days and available for inspection by Statesboro PD in the course of investigating criminal behavior." Additionally along with the camera systems Section 3202 (b) *Controlled Access* states "every apartment complex shall have controlled, gated access at all vehicular entrances and exits." That is the extent of the ordinance as it stands.

There was council discussion about the "controlled access" section regarding the requirement of gated access only but to allow for tag readers as a means of controlled access as an either or and increasing the amount of units for this requirement.

City Attorney Cain Smith stated it can be amended to require cameras for units between 25 and 50 and if it's over 50 cameras and a gate or tag readers. The first reading will take place at this evenings meeting with the amendments.

5. Event Space Ordinance

City Attorney Cain Smith presented a draft Event Venue Ordinance stating it would become a part of Chapter 18 Article XI of the Statesboro Code of Ordinances. Since the last presentation there have been some adjustments reflected in the first reading that is on the agenda this evening. The definition of an *event* is a private party, live musical concert, performing arts presentation or performance and/or any other type of entertainment, *with the addition that a meeting solely conducting business shall not be considered events under this chapter.* An *event center* is a non-residential location hosting private parties, live musical concerts, performing arts presentations or performances and/or any other type of entertainment that does not hold a valid city alcohol license with a maximum occupancy load exceeding 25 persons. Event centers may host private functions with guest list and no ticket being required. Cover charges are expressly prohibited. Regulations set out in Section 18-321 (a) states that no person, firm, partnership, corporation or other entity shall hold or cause to be held an event without a valid event center license, (b) Statesboro Fire and Police Departments may enter any event in order to assess life safety issues and compliance with this article and may terminate event upon failure to abide by life/safety regulations, (c) host, if applicable and responsible party representing the event center shall be present throughout all events in order to ensure the safety and welfare of event attendees, (d) alcohol is expressly prohibited unless a valid special event or catered event permit is obtained for that time and date, (e) Statesboro Fire department occupancy requirements shall be in effect throughout all events, (f) private parties may only be held with a written contract that shall be available for inspection upon request of Statesboro Fire or Police representatives, and (g) event centers shall have live camera coverage throughout the interior and exterior perimeter and retain footage for no less than seven days following end of event. Camera system must be connected with Statesboro PD Fusus or other currently existing real-time intelligence ecosystem utilized by Statesboro PD. An adjustment was made to “g” to read *event centers shall have live camera coverage around the exterior perimeter and retain footage no less than seven days following end of event. It is encouraged that these camera systems be connected with Statesboro PD Fusus or other currently existing real-time intelligence ecosystem utilized by Statesboro PD.*

This would apply to any business that tends to operate as an event center.

Section 18-322 sets out the application for a license. Also included in Section 18-323 is the probation, suspension, revocation of license; administrative hearing, administrative hearing fee. Pursuant to City Ordinance 6-9 the administrative judge shall have exclusive jurisdiction over any action brought against any license.

There was council discussion regarding exempting currently operating event centers.

City Attorney Cain Smith explained that as of right now event centers do not exist as we do not have a regulation for this business model so there is not grandfathering. This ordinance is to prevent an establishment from circumventing our alcohol ordinance.

City Manager Charles Penny stated this is on this evening’s agenda for first reading if you are ready for it. This all came about because we are seeing more and more event spaces in our city and they need to be regulated if you want us to regulate it.

Councilmember Paulette Chavers stated she has an issue with letter “g” that requires cameras to be installed at places operating as an event venue.

After further council discussion it was decided to table this item at the regular meeting.

6. Security Grants

Assistant to the City Manager Olympia Gaines presented the proposed Incentive Grants for security enhancements. The city has \$80,000 of earned interest from ARPA funds that can be used to assist in the establishment of the program. The program would provide funding to assist property owners with the installation of security systems such as cameras and access control systems. This program is limited to property owners of multi-family or rental housing units identified in targeted areas experiencing relatively high incidents of crime. It will also assist with the registration of security camera systems with the Statesboro Police Departments FUSUS system. Requirements for eligibility include the applicant must be an owner of a multi-family or rental housing unit within the city limits, all city bills and taxes must be paid, and three quotes from a business engaged in the installation of security camera systems or controlled access systems holding a valid license must be obtained by the applicant. Furthermore, incentives will not exceed 50% of the total cost and no more than \$20,000 the remaining cost is paid by the property owner. The property owner is responsible for the cost of

regular monitoring and maintenance and the system must be kept in operation no less than three years. Applications will be reviewed by Statesboro Police Department personnel and awarded by them as well. These grants will be limited to on security enhancement system per property. Lastly any system installed prior to the program's approval will not be eligible for the incentive.

City manager Charles Penny stated staff will finalize the guidelines for the program and bring it forward to the next council meeting for consideration.

7. Rule and Procedures for Boards and Commission

Assistant to the City Manager Olympia Gaines presented a draft document and overview of Standard Operating Procedures for city boards and commissions. The draft SOP focuses on appointments, structure including general duties and responsibilities, roles and responsibilities of officers and staff liaisons, governing rules such as bylaws of the board or commission, open meetings, scope of authority, purpose and expectations, finances, and attendance.

Councilmember Phil Boyum stated under the General Expectations regarding parliamentary practice to specify using Robert's Rules of Order as specified in the city charter.

City Manager Charles Penny stated we would like to bring this forward to the next council meeting for consideration.

8. Mobile Public Vending Ordinance

City Attorney Cain Smith presented a draft Mobile Public Vending ordinance for the purpose of permitting mobile vending on public property in the city. This article would allow for mobile vending of prepared items such as packaged ice cream, chips, and things of that nature. Section 18-332 sets out operational rules to include hours of operation shall be 9:00 am to 10:00 pm, amplified sound or sound equipment must comply with our noise ordinance, any signage must comply with our sign ordinance, vendors may offer items permissible for sale only, must display a valid vending permit, must maintain an auditable point-of-sale system, operations may not obstruct vehicular traffic flow, they may not have out tables or chairs, vending carts or food trucks shall not be left unattended, and vendors may only serve customers from the side of the truck facing the sidewalk. Section 18-332 states all vendors shall have a trash can to prevent littering. Other regulations set out in Section 30-333 of the draft ordinance any vendor selling ice cream or other prepackaged food shall before making a sale vendors may only park their vehicle no less than a 100 feet from an intersection. In addition when the vehicle is stopped all sound equipment must be turned off and not resume until the vehicle is in motion. No sound equipment may be operational before 9:00 am or after 9:00 pm or between the hours of 9:30 am and 12:00 noon on Sundays and shall not operate within one block of a church between the hours of 7:00 am and 9:00 pm. When school is in session no vendor shall operate within 600 feet of any public school one hour before or one hour after published school hours. Section 18-334 sets out aesthetic standards for vending carts and motor vehicles. Division 2 regulates the permitting and licensing and sets out the application process, the term and renewals, and the associated annual fee.

There was council discussion regarding the Sunday regulation, the consensus was to amend the ordinance to read shall not operate within one block of a church between 7:00 am to 1:00 pm on Sundays. And to remove from section 18-334 (e) the wording "*and considerate of the immediate surrounding of the proposed location.*"

This draft will move forward and presented for first reading at the next regular council meeting.

The meeting was adjourned at 5:16 pm.

Jonathan McCollar, Mayor

Leah Harden, City Clerk



CITY OF STATESBORO
COUNCIL MINUTES
AUGUST 15, 2023

Regular Meeting

50 E. Main St. City Hall Council Chambers

5:30 PM

1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

Councilmember Phil Boyum gave the Invocation and led the Pledge of Allegiance.

ATTENDANCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	
Phil Boyum	Councilmember	Present	
Paulette Chavers	Councilmember	Present	
Venus Mack	Councilmember	Present	
John Riggs	Councilmember	Present	
Shari Barr	Mayor Pro Tem	Present	

Other staff present: City Manager Charles Penny, Assistant City Manager Jason Boyles, Public Information Officer Layne Phillips, City Attorney Cain Smith and City Clerk Leah Harden

3. Recognitions/Public Presentations:

A) Presentation of a retirement award to Debra Wiese (Administrative Assistant) who retired effective August 1, 2023 after 11 years of service.

Mayor Jonathan McCollar presented a retirement award to Debra Wiese after 11 years of service to the City of Statesboro.

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 08-01-2023 Council Minutes

b) 08-01-2023 Executive Session Minutes

B) Consideration of a motion to approve the surplus of four (4) Dodge Chargers in the Statesboro Police Department that are past their service life.

A motion was made to approve the consent agenda.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Paulette Chavers
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

6. Public Hearing and Consideration of a motion to approve: Application SE 23-06-01: Encore Capital Management LLC, requests a special exception form the R-3 (medium density residential) zoning district in order to allow for a real estate property office on approximately 4.399 acres of property located at 1301 Fair Road.

A Motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Mayor Pro Tem Shari Barr
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

Steve Rushing representing the applicant spoke in favor of the request.
 Paul Newman spoke in favor of the request.
 Verdery Kenney spoke in favor of the request.

No one spoke against the request.

A Motion was made to close the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

A Motion was made to approve Application SE 23-06-01: Encore Capital Management LLC, requests a special exception form the R-3 (medium density residential) zoning district in order to allow for a real estate property office on approximately 4.399 acres of property located at 1301 Fair Road.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

7. Public Hearing and Consideration of a motion to approve Application V 23-07-01: Jarrett Walden requests a variance from Article XVI; Section 1601, in order to allow a parking facility without observing the three foot setback requirement for the expansion to the Walden Dental Facility located at 703 East Grady Street.

A motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

Evan Bennett representing the owner spoke in favor of the request.
No one spoke against the request.

A motion was made to close the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

A Motion was made to approve Application V 23-07-01: Jarrett Walden requests a variance from Article XVI; Section 1601, in order to allow a parking facility without observing the three foot setback requirement for the expansion to the Walden Dental Facility located at 703 East Grady Street.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Paulette Chavers
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

8. Public Hearing and First Reading of Ordinance 2023-07: An Ordinance amending Appendix A Zoning of the Statesboro Code of Ordinances in order to implement Article XXXII creating security requirements for apartment complexes, namely camera systems and controlled vehicular access.

A motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Paulette Chavers
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

City Attorney Cain Smith reviewed the ordinance stating the revision in 3201 remains the same and 3202 (b) is amended to read over 50 units.

No one spoke for or against the request.

A motion was made to close the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

A Motion was made to approve the first reading of Ordinance 2023-07: An Ordinance amending Appendix A Zoning of the Statesboro Code of Ordinances in order to implement Article XXXII creating security requirements for apartment complexes, namely camera systems and controlled vehicular access.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Paulette Chavers
SECONDER:	Mayor Pro Tem Shari Barr
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

9. Public Hearing and First Reading of Ordinance 2023-08: An Ordinance amending Chapter 18 Businesses of the Statesboro Code of Ordinances in order to implement Article XI creating licensing and operation requirement for event centers.

A motion was made to table this item until the 9-5-2023 Council Meeting.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

10. Public Hearing and Consideration of a motion to approve application for an alcohol license in accordance with the City of Statesboro alcohol ordinance Sec. 6-13(a):

**Go Market & Café
 2855 Northside Drive West
 Statesboro, Ga 30458
 License Type: Package Sales (Beer & Wine only)**

A motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

A Motion was made to close the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

A Motion was made to approve the application for an alcohol license in accordance with the City of Statesboro alcohol ordinance Sec. 6-13(a): Go Market & Café, 2855 Northside Drive West, Statesboro, Ga 30458, License Type: Package Sales (Beer & Wine only).

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

11. Consideration of a motion to approve Resolution 2023-39: A Resolution to impose a six month moratorium on processing and consideration of sign variance requests pursuant to Article XV of Appendix A of the Statesboro Code of Ordinances.

A motion was made to approve Resolution 2023-39: A Resolution to impose a six month moratorium on processing and consideration of sign variance requests pursuant to Article XV of Appendix A of the Statesboro Code of Ordinances.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

12. Consideration of a motion to approve a waiver of conflict to allow Jarrard and Davis to represent the City in the conveyance of City owned real property located at 3100 Northside Drive West to be conveyed to the Food Bank, Inc.

A motion was made to approve a waiver of conflict to allow Jarrard and Davis to represent the City in the conveyance of City owned real property located at 3100 Northside Drive West to be conveyed to the Food Bank, Inc.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

13. Consideration of a motion to approve the purchase of eight (8) new patrol vehicles for the Statesboro Police Department in the amount of \$370,000.00.

A motion was made to approve the purchase of eight (8) new patrol vehicles for the Statesboro Police Department in the amount of \$370,000.00.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

14. Consideration of a motion to approve an award of purchase of a 2023 Ford Bronco Sport to Woody Folsom Ford in the amount of \$36,530.00 for the Statesboro Fire Department. Funding if provided from the 2013 and 2019 SPLOST funds.

A Motion was made to approve an award of purchase of a 2023 Ford Bronco Sport to Woody Folsom Ford in the amount of \$36,530.00 for the Statesboro Fire Department. Funding if provided from the 2013 and 2019 SPLOST funds.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

15. Consideration of a motion to approve an award of purchase of two (2) 2023 Ford F-150 trucks to J.C. Lewis Ford in the amount of \$67,596.00 for the Public Utilities Department. If approved these will be funding out of the FY 2013 CIP Funds.

A Motion was made to approve an award of purchase of two (2) 2023 Ford F-150 trucks to J.C. Lewis Ford in the amount of \$67,596.00 for the Public Utilities Department. If approved these will be funding out of the FY 2013 CIP Funds.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

16. Consideration of a motion authorizing the Mayor to execute purchase agreements for right-of-way acquisition on West Main Street for the West Main Street sidewalk project. Funding is provided from 2018 TSPLOST.

A Motion was made to authorize the Mayor to execute purchase agreements for right-of-way acquisition on West Main Street for the West Main Street sidewalk project. Funding is provided from 2018 TSPLOST.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

17. Consideration of a motion to award a contract to Southern Civil LLC, in the amount of \$1,993,705.00 for upgrades to the Wastewater Treatment Plant Blower Room. To be paid for with a combination of Operating and ATC funds approved in the FY2023 CIP Budget, item #WTP-24.

A Motion was made to award a contract to Southern Civil LLC, in the amount of \$1,993,705.00 for upgrades to the Wastewater Treatment Plant Blower Room. To be paid for with a combination of Operating and ATC funds approved in the FY2023 CIP Budget, item #WTP-24.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

18. Other Business from City Council:

Mayor Pro Tem Shari Barr welcomes back all students and teachers.

Councilmember Phil Boyum announced he will be submitting his resignation as District 1 councilmember effective December 31, 2023 and made a motion to call for a special election for District 1 on November 7th to run concurrently with the regular election.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Phil Boyum
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

19. City Managers Comments

a) Street renaming – West Grady Street Ext.

City Manager Charles Penny stated a request was brought forward by Councilmember Paulette Chavers about renaming West Grady Street Ext. to Loretta’s Way and that the process begins with authorization by Council to move forward with notification to the property owners of the proposed name change.

A motion was made to direct staff to begin the notification process to rename West Grady Street Ext. to Loretta’s Way.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

Mr. Penny stated at the last meeting Yvonne Pryor spoke to council regarding a funding opportunity for a non-congregate homeless shelter which is available through the state and requested for a letter of support from the city to submit along with the application. A letter of support was prepared from the mayor and submitted to Ms. Pryor for the application. Mr. Penny reviewed from the FYI packet the setting of the public hearings for the millage rate to be held on September 12, 2023 at 12:00 pm and 6:00 pm and the final one on September 19, 2023 at 5:30 pm. Staff is recommending a two-mill increase to balance the budget. Mr. Penny continued stating from the first time he ever presented a budget to council he recommended an increase in the tax rate.

20. Public Comments (General):

Annie Bellinger addressed mayor and council stating she is being insulted and disrespected by city staff.
Len Fatica addressed mayor and council about his concerns with the lime scooters.

**21. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters”
“Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b).**

At 6:43 pm a motion was made to enter into Executive Session.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

At 7:14 pm a motion was made to exit executive session.

RESULT:	Approved (Unanimous)
----------------	----------------------

MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

Mayor McCollar called the regular meeting back to order with no action taken in executive session.

22. Consideration of a Motion to Adjourn

A motion was made to adjourn.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Chavers, Mack, Riggs, Barr
ABSENT	

The meeting was adjourned at 7:14 pm.

Jonathan McCollar, Mayor

Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
Venus Mack
John C. Riggs
Shari Barr



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: August 31, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *First Reading of Ordinance 2023-08 amending Chapter 18 Businesses of the Statesboro Code of Ordinances in order to implement Article XI creating licensing and operational requirements for event centers.*

Recommendation: Advance to Second Reading and Consideration

Background: Mayor and Council voted to advance Ordinance to First Reading at the June 20, 2023 work session. Amendment was also be presented at the August 15, 2023 work session and requested to return for First Reading.

Budget Impact: N/A

Council Person and District: All

Attachments: Proposed Ordinance

ORDINANCE 2023-08:

CHAPTER 18 BUSINESSES

ARTICLE XII EVENT CENTERS

Section 18-320 Definitions

As used herein the following words or phrases shall have the following meaning:

Event means a private party, live musical concert, performing arts presentation or performance and/or any other type of entertainment. Meetings held solely for purposes of conducting business shall not be considered as Events under this Chapter.

Event center means a non-residential location hosting private parties, live musical concerts, performing arts presentations or performances and/or any other type of entertainment that does not hold a valid City alcohol license with a maximum occupancy load exceeding 25 persons. Event centers may host private functions with guest list and no ticket being required. Cover charges are expressly prohibited.

Host means a person or entity renting the Event Center in order to hold an Event

Section 18-321 Regulations

- (a) No person, firm, partnership, corporation or other entity shall hold or cause to be held an Event without a valid event center license issued pursuant to this article.
- (b) Statesboro Fire and Police Departments may enter any Event in order to assess life safety issues and compliance with this Article and may terminate Event upon failure to abide by life/safety regulations.
- (c) Host, if applicable, and responsible party representing the Event Center shall be present throughout all Events in order to ensure the safety and welfare of Event attendees
- (d) Alcohol is expressly prohibited unless a valid special event or catered event permit is obtained for that time and date,
- (e) Statesboro Fire department occupancy requirements shall be in effect throughout all Events.
- (f) Private parties may only be held with a written contract that shall be available for inspection upon request of Statesboro Fire or Police representatives.
- (g) Event Center shall have live camera coverage around the exterior perimeter and retain footage for no less than seven days following end of Event. It is encouraged that these camera systems be connected with Statesboro PD Fusus or other currently existing real-time intelligence ecosystem utilized by Statesboro PD.

Section 18-322 Application for License

Any person desiring to obtain a license to operate, engage in, conduct or carry on any Event Center shall make application to the city clerk or her designated representative. Prior to submitting such application, a non-refundable fee of \$250.00 shall be paid to the city clerk to defray, in part, the cost of regulation required by this article. The city clerk shall issue a receipt showing that such regulatory fee has been paid. License must be annually renewed.

Section 18-323

Probation, suspension, revocation of license; administrative hearing, administrative hearing fee.

(a) An administrative judge nominated by the city manager and approved by mayor and city council pursuant to City Ordinance 6-9 shall have exclusive jurisdiction over any action brought against any licensee holding a license issued pursuant to this chapter seeking to revoke, suspend or place the licensee on probation. Said action may be brought by the city solicitor, the city manager, or the police chief, or their respective designees.

(b) The administrative judge may suspend, revoke or impose terms and conditions of probation on the licensee, or any combination of suspension and terms and conditions of probation for one or more of the following reasons:

1. The violation by the licensee, or licensee's employees or agents of any state or federal law or regulation or any provision of this chapter or other ordinance of the city, at any time adopted, relating to the sale, use, possession, or distribution of alcoholic beverages.
2. The violation by the licensee, or licensee's employees or agents of any federal or state law or of any local ordinance of the city which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, or controlled substances.
3. The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a nuisance, or the operation of a licensed business where violations of federal, state, or local laws or ordinances frequently or regularly occur.
4. The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.
5. Permitting any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal or state law or of any local ordinance of the city, which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, alcohol, or other controlled substances.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
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Shari Barr



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Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *Second Reading of Ordinance 2023-07 amending Appendix A Zoning of the Statesboro Code of Ordinances in order to implement Article XXXII creating security requirements for apartment complexes, namely camera systems and controlled vehicular access.*

Recommendation: Approval

Background: Mayor and Council voted to advance Ordinance to First Reading at the June 20, 2023 work session. Amendment was moved forward to second reading at the August 15, 2023 regular session.

Budget Impact: N/A

Council Person and District: All

Attachments: Proposed Ordinance

Ordinance 2023-07:

Appendix A Zoning

ARTICLE XXXII Apartment Security

Section 3201 Definition and Applicability

As used herein the following words or phrases shall have the following meaning:

Apartment Complex means a commonly owned parcel containing more than twenty-five (25) residential units available for short and long term rental or lease located within the municipal limits of Statesboro, Georgia.

This Article shall not apply to Apartment Complexes existing as of August 1, 2023. This Article shall apply to any newly constructed Apartment Complexes, to Apartment Complexes being renovated or modified to the extent that a building permit is required or Apartment Complexes that have changed ownership.

Section 3202 Regulations

- (a) *Camera System*** Every Apartment Complex shall have video cameras located at all vehicular entrances and exits to the Apartment Complex. These systems shall be connected with Fusus or any other data collection system then in use by Statesboro PD. Video footage must be retained and archived for a minimum of seven days and available for inspection by Statesboro PD in the course of investigating criminal behavior.
- (b) *Controlled Access*** Every Apartment Complex containing over 50 residential units shall have controlled, gated access or tag readers at all vehicular entrances and exits with tag reader data retained for no less than thirty (30) days.

CITY OF STATESBORO

COUNCIL

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Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *First Reading of Ordinance 2023-11 amending Chapter 18 Businesses of the Statesboro Code of Ordinances in order to implement Article XII creating a regulatory structure to allow for mobile public vending on City right of way*

Recommendation: Consideration

Background: Mayor and Council voted to advance Ordinance to First Reading at the June August 15, 2023 work session.

Budget Impact: N/A

Council Person and District: All

Attachments: Proposed Ordinance

ORDINANCE 2023-11:

Chapter 18

Article XII Mobile Public Vending

Sec. 18-330. - Purpose, intent and applicability.

(a)Vending on public property in the city, as defined in this article, shall be subject to regulation as set forth in this article, including the requirement of regulatory licenses and permits. Vending in the public right-of-way without a permit issued pursuant to this article shall be unlawful and subject to punishment as set forth in this section.

(b)It is the intent of council in enacting this article to:

- (1)Serve and protect the health, safety and welfare of the general public.
- (2)Establish a uniform set of rules and regulations which are fair and equitable.
- (3)Provide economic development opportunities for small entrepreneurs in the city.
- (4)Provide a variety of goods and services for sale.
- (5)Promote stable vendors who will enrich the city's ambiance and be assets to public security.

Sec. 18-331. - Vending business required to remit sales taxes and keep records.

(a)Every vendor shall file Georgia Department of Revenue (GDOR) St-3 Forms and remit monthly sale tax revenues to GDOR.

(b)Prospective vendors, by filing an application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including but not limited to the following:(1)The prospective vendor's bank or other financial institution records, including those which are personal or from any business in which the vendor has any interest, such as savings and checking account records, bank statements, ledgers, deposit tickets, withdrawal slips, canceled checks, check stubs, bank drafts, cashier's checks, certificates of deposit, money market accounts, pass books and applications for each account;(2)Personal state and federal income tax statements for the past five years; and(3)Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.

Sec. 18-332. - Vending operational rules.

(a)Hours of operation shall be 9:00 a.m. to 10:00 P.M.

(b)Amplified sound or sound equipment must comply with the City of Statesboro Noise Ordinance.

(c) Any and all signage must comply with the City of Statesboro Sign Ordinance.

(d) Vendors may offer items permissible for sale only.

(e) All vendors shall display their valid vending permits and any required copies of licensing agreements at the valid vendor location.

(f) All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 18-331.

(g) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.

(h) Vending operations, including but not limited to the display of merchandise and the provision of tables and/or chairs, may not exceed the approved operating area.

(i) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.

(j) The sale of branded items permissible for sale a vendor shall not be permitted absent a valid licensing agreement authorizing the vendor to engage in such sales a copy of which must be maintained at the valid vendor location.

(k) In designated food truck areas containing metered parking spaces, food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, and are prohibited from operating with their trucks open to the roadway.

Sec. 18-332. - Littering.

All vendors engaged in the sale of pre-packaged food, non-alcoholic pre-packaged beverages, prepared food, and/or prepared non-alcoholic beverages shall affix to their vending cart, or motor vehicle, or shall locate directly outside the food truck, or motor vehicle a receptacle for trash, which shall be maintained and emptied regularly and which shall be marked as being for trash. Vendors engaged in the sale of the items permissible for sale listed in this section are responsible for the removal of trash within a 25-foot radius surrounding the vending cart or food truck.

Sec. 30-333. - Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.

(a) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. This section shall not apply to food truck vendors operating from a designated food Truck area. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.

(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.

(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. On days in which schools are actually in session, no motor vehicle shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.

(d) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.

(e) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be restricted to an operational area.

Sec. 18-334. - Aesthetic standards.

Vending is permitted from vending carts, food trucks, and motor vehicles in accordance with section 18-333 only. Vending carts must comply with the following aesthetic standards:

(a) Length of the cart may not exceed seven feet and width may not exceed four feet height-excluding canopies, umbrellas, or transparent enclosures-may not exceed five feet;

(b) Umbrellas or canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;

(c) Umbrellas or canopies may not exceed 48 square feet (eight feet × six feet);

(d) All carts must be mobile, and able to roll on wheels;

(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location; (f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;

(g) The wheels located under the car are preferred, however projecting wheels must have fenders;

(h) Hitches attached to the cart must be removable and detached when in operation; and

(i) If used, propane tanks must be enclosed.

DIVISION 2. - PERMITS AND LICENSES

Sec. 18-340. - Vendor permit and business license required.

(a) No public property vending shall occur without a permit issued pursuant to this article, except that no permit shall be required for persons selling newspapers at-large other than from a fixed location on public property

(b) Except for vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles as prescribed in section 18-333 and food truck vendors operating in designated food truck areas, public property vending shall be permitted only on the location stated on

the permit. This permit requirement is in addition to any general business license required or other special permission requirement.

(c) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1, are exempt from payment of business license fees, but must obtain such licenses.

(d) All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated food truck area at all times when the vendor or assistant vendor is present. (e) All valid vendor permits shall indicate if the permit authorizes the sale of licensed branded merchandise.

Sec. 18-341. - Application.

(a) An application shall be required by all persons seeking issuance of a vending cart valid vendor permit. Applicants for food truck valid vendor permits shall not participate in the lottery-type selection process. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.

(b) Permit fees and applicable maintenance fees are due and payable by money order, certified check or cashier's check if and when the application is approved by the office of revenue.

(c) The application shall, at a minimum, consist of the following data:

(d) (1) Each applicant shall submit detailed data as follows:

a. Applicant's name and current address.

b. Applicant's previous addresses within the last five years.

c. Social security number.

d. GDOR retail identification tax number.

e. State issued picture identification.

f. City business license.

g. Copy of every operator's valid driver's license and proof of liability insurance is required if operating under Section 18-333

(2) All applicants shall furnish all data, information and records requested of them by the office of revenue within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

Sec. 18-342. - Term and renewal of permits.

(a) A valid vendor permit for a valid vendor location will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period at the same location. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal. (b) No applicant may receive the ability to apply for more than ten percent of the valid vendor locations available through the lottery-type selection process. (c) Vendors may present to the office of revenue an application for a renewal permit. Upon a review and approval of the renewal application by the appropriate agencies, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees as indicated in section 18-343, the vendor

shall be furnished with a renewal permit.(d)Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in section 18-341.

Sec. 18-343. - Annual fees.

(a)Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.(b)The annual permit fee for all valid vendor permits shall be referenced in the City's Schedule of Rates, Fines, and Fees..

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, Planning & Housing Administrator

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *Unified Development Code: Ordinance Amendment*

Recommendation: Planning Commission recommends the Adoption of the Unified Development Code

Background: At the request of City Council in 2022, the City hired TSW as consultants for the creation of a new Unified Development Code, which incorporated items both directly and indirectly related to zoning. It is now requested that Council adopt this newly created Unified Development Code.

Budget Impact: None

Council Person and District: All

Attachments: Ordinance 2023-12 & Draft UDC

ORDINANCE # 2023- 12:

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF STATESBORO, GEORGIA; TO AMEND THE TEXT OF OTHER SPECIFIED DEVELOPMENT, DESIGN AND OTHER SECTIONS OF THE CODE OF ORDINANCES; CONSOLIDATE SAID OTHER SPECIFIED SECTIONS AS WELL AS THE ZONING ORDINANCE AS TO CREATE A CONSOLIDATED ORDINANCE BE IT KNOWN AS THE UNIFIED DEVELOPMENT CODE; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, many current zoning and development regulations are decades old and do not align with current needs or best practices; and

WHEREAS, current zoning and development regulations are not user-friendly to administer or use; and

WHEREAS, significant public input, including a stakeholder committee, public meetings, community open houses, and web-based surveys guided the creation of a unified development ordinance that combines all development and zoning regulations into a single document; and

WHEREAS, required public hearings were held by the Planning Commission of the City of Statesboro for proposed changes to the text of the Zoning Ordinance of the City of Statesboro, all in compliance with the Zoning Procedures Law as well as provisions of said Zoning Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. That the text of Appendix A, Zoning, and Appendix B, Subdivision Regulations of the Code of the City of Statesboro, Georgia, as amended, is hereby further amended and re-codified as set forth in Exhibit "A" attached hereto, entitled "The Unified Development Code of the City of Statesboro", and that said Exhibit "A" is hereby adopted and incorporated into this Ordinance by this reference.

Section 2. This Ordinance shall become effective on October 1, 2023.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are repealed. APPROVED this 19st day of September, 2023 by the Mayor and Council of the City of Statesboro.

ATTEST:

Jonathan M. McCollar, Mayor

Leah Harden, City Clerk



Unified Development Code

FOR FIRST READING

August 29, 2023

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Chapter 1. General Provisions

ARTICLE 1.1 - LEGAL REQUIREMENTS

Section 1.1.1 - Title

This document shall be “The Unified Development Code for the City of Statesboro, Georgia,” and shall be referred to or cited throughout the document as “this UDC.”

Section 1.1.2 - Purpose

This UDC is intended to serve the following purposes:

- A. To promote the health, safety, morals, convenience, order, prosperity, aesthetics, and the general welfare of the present and future inhabitants of the City of Statesboro;
- B. To ensure that the vision set forth in the comprehensive plan is implemented by the city’s development regulations;
- C. To improve the city’s appearance;
- D. To further safety for all transportation users;
- E. To secure safety from fire, panic, and other dangers;
- F. To provide adequate light and air;
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- H. To protect property against blight and depreciation;
- I. To encourage the most appropriate use of land, buildings, and other structures throughout the city; and
- J. To secure economy in government expenditures.

Section 1.1.3 - Application

- A. **Territorial application.** This UDC applies to all land, uses, buildings, and structures in the corporate boundaries of the City of Statesboro.

- B. General application.** In their interpretation and application, the provisions of this UDC shall be deemed the minimum requirements for the promotion and protection of the public health, safety, and welfare.
- C. Required conformance.**
- (1) All buildings, structures, land, or open space, in whole or in part, must be used or occupied in conformance with this UDC;
 - (2) No building or structure, in whole or in part, may be erected, constructed, reconstructed, moved, or structurally altered unless in conformance with this UDC;
 - (3) The minimum, yards, parking spaces, landscape strips, buffers, and open spaces required by this UDC for each building existing before the effective date of this UDC, or for any building erected or structurally altered after the effective date, may not be encroached upon or considered as part of the yard, parking space, landscape strips, buffers, or open space required for any other structure; and
 - (4) It is unlawful to conflict with, or in violation of, any other requirements of this UDC.
- D. Control over less restrictive private agreements.** This UDC will not nullify any private agreement or covenant. However, when this UDC is more restrictive than a private agreement or covenant, this UDC controls. The city will not enforce any private agreement or covenant.
- E. Control over less restrictive laws and regulations.** If any requirement imposed by this UDC is more restrictive than a requirement imposed by any other law, rule, or regulation, the more restrictive condition or requirement governs.
- F. Conflict.** If any requirement imposed by this UDC contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
- G. References to other laws.** Whenever a provision of this UDC refers to any other part of the Statesboro City Code or to any other law, the reference applies to any subsequent amendment of that law.
- H. Text and graphics.** Illustrations, photographs, and graphics are included in this UDC to illustrate the intent and requirement of the text. In the case of a conflict between the text of this UDC and any illustrations, photographs, and graphics, the text governs.

Section 1.1.4 - Transitional Provisions

- A. General.** This Section contains the transition to this UDC from the Zoning Ordinance, Subdivision Ordinance, and other regulations in effect immediately before the effective date of this UDC.
- B. Approved land disturbing activity and grading permit.** Any subdivision or other activity for which only a land disturbing activity and grading permit was issued before the adoption of this UDC must be brought into conformance with this UDC. Subsequently, all development activities must conform to this UDC.
- C. Pending land disturbing activity and grading permit.** Any subdivision or other activity for which a valid and complete application for a land disturbing activity and grading permit was received before the adoption of this UDC may, at the developer's option, proceed to completion and building permits may be issued as though this UDC had not been adopted, provided that the Land Disturbing Activity and Grading Permit is or may be issued within 90 days of the date of adoption and all time frames associated with said permit are observed.
- D. Approved land disturbing activity and grading permit.** Any subdivision or other activity for which a land disturbing activity and grading permit has been issued before the adoption of this UDC may, at the developer's option, proceed to completion and building permits may be issued as though this UDC had not been adopted, provided all time frames associated with said permit are observed.
- E. Approved building permit.** The adoption of this UDC does not affect the validity of any building permits lawfully issued before the adoption of this UDC.
- F. Pending building permit.** Nothing in this UDC requires a change in the plans, construction, or designated use of any building or structure for which building permits were lawfully applied for or approved, before the effective date of this UDC or amendment thereto, provided:
 - (1)** Such permit has not, by its own terms, expired before the effective date of this UDC.
 - (2)** Actual building construction is started before the expiration of such permit.

- (3) Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.
- (4) No renewals or extensions of said permit is authorized beyond 90 days following the effective date of this UDC.

Section 1.1.5 - Amendments

- A. This UDC may be amended from time-to-time by the mayor and city council in accordance with Section 1.1.6 - Zoning Compliance Law. Such amendments are effective on their date of adoption unless otherwise stated in the adopting resolution.
- B. No amendment will affect the validity of any permit lawfully issued before the ordinance's amendment.

Section 1.1.6 - Zoning Compliance Law

- A. This UDC is crafted as a series of Chapters and Articles.
- B. Chapter 2, as well as those definitions set forth in Chapter 5 that constitute, by reference, text of Chapter 2, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq. Changes to the text of these Articles, as well as Official Zoning Map amendments and other zoning actions addressed in those Articles, must comply with the public notice and hearing procedures provided in Section 2.7.6 - Text and Map Amendments and in said State statute.
- C. The remaining Chapters and Articles are not intended to constitute a zoning ordinance and may be amended using the city's general procedures for ordinance amendments.

Section 1.1.7 - Severability

If any Article, Section, Subsection, paragraph, clause, sentence, or provision of this UDC is adjudged by any court of competent jurisdiction to be invalid or unconstitutional, that judgment does not affect, impair, invalidate or nullify the remainder of this UDC. The effect of the judgment is confined to the Section, Subsection, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

Section 1.1.8 - Effective Date

This UDC takes effect and is in force upon its adoption by the mayor and city council.

Chapter 2. Zoning

ARTICLE 2.1 - INTRODUCTION AND GENERAL PROVISIONS

Section 2.1.1 - Establishment of Districts, Zones, and Overlays

- A. Districts established.** For the purposes of this Zoning Ordinance, the City of Statesboro is hereby divided into separate districts, zones, and overlays as designated in Table 2.1.1-A - District Names Established.

Table 2.1.1-A - District Names Established

District Name	District Classification
R-2	Townhouse Residential District
R-3	Medium Density Multi-Household Residential District
R-4	High Density Residential District
R-6	One-Household Residential District
R-15	One-Household Residential District
R-40	One-Household Residential District
CBD	Central Business District
O	Office and Business Office Districts
MX	Mixed-Use District
HOC	Highway Oriented Commercial District
L-I	Light Industrial District
PUD	Planned Unit Development
BMO	Blue Mile Overlay
DD	Downtown Design Overlay

- B. Translation of former districts.** Where certain former districts, zones, or overlays have been removed or reclassified within the Zoning Ordinance but remain mapped as part of the Zoning Map of the City of Statesboro, they shall be regulated as follows:
- (1) The (CR) Commercial Retail District shall be regulated by the standards of the (MX) Mixed-Use District.

- (2) The (R-10) One-Household Residential District and the (R-8) One-Household Residential District shall be regulated by the standards of the (R-6) One-Household Residential District.
- (3) The (R-30) One-Household Residential District and the (R-20) One-Household Residential District shall be regulated by the standards of the (R-15) One-Household Residential District.

Section 2.1.2 - Establishment of Districts and Zones Map

- A. New zoning map.** The existing zoning map was adopted by motion of July 7, 1987, and made a part of the Zoning Ordinance designated as “Zoning Map of the City of Statesboro”. That zoning map is being supplemented by a new zoning map for the City of Statesboro which is incorporated in and made a part of this Zoning Ordinance and shall become the new zoning map of the City of Statesboro on the date of the adoption of this Zoning Ordinance.
- B. District boundaries.** The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, lanes, watercourses, rights-of-way of power lines and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, for any portion of its length, the indicated district shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of such power line, railroad or other public utility, lying within such portion of its length. Where uncertainty exists as to the location of said boundaries as shown on the zoning map, the following rules apply:
 - (1) Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, such centerline shall be construed to be such boundary.
 - (2) Where a district boundary is indicated as approximately following a lot line or other property line, such lot line shall be construed to be such boundary.
 - (3) Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by applying the scale appearing on said map to the given area.

- (4) Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. Where scaled distances do not agree with such figures, the figures control.

Section 2.1.3 - Rules of Interpretation

- A. **Public safety, health, and welfare.** In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, and welfare. Where this Zoning Ordinance imposes a greater restriction upon the building, structures, or premises, upon heights of buildings or structures or requires larger open spaces than are imposed or required by any other Zoning Ordinance, rates, codes, permits, or regulations, or by easements, covenants, deed restrictions or agreements, the provisions of this Zoning Ordinance govern.

Section 2.1.4 - Rules of Measurement

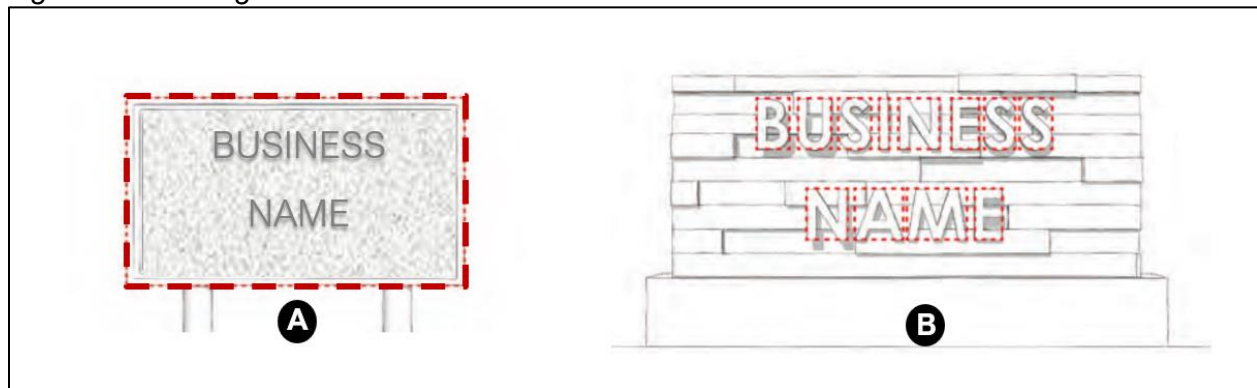
- A. **Measuring lot area.** Lot area is measured as the total horizontal surface area of the land contained within all front, rear, and side lot lines. Public and private rights-of-way are not included in the lot area.
- B. **Determining building heights.**
 - (1) **Building height measurement in feet.** Building height expressed in feet is measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points on the roof.
 - (2) **Building height measurement in stories.** Building height expressed in stories is measured from the lowest level that is fully or partially above-ground. A mezzanine does not count as a story. An attic in a pitched roof form does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet (measured from the finished floor to the finished ceiling).
 - (3) **Exclusions from building height measurement.** For the purposes of height limitations in this UDC, a building height measurement excludes spires, belfries, cupolas, and domes not intended for human occupancy, nor monuments, water towers, observation towers, transmission towers, chimneys, smokestacks,

conveyors, flagpoles, radio towers, television towers, masts, aerials, and similar structures.

- C. Determining building coverage of lot.** The building coverage of a lot is measured as the ratio between the sum of areas on a lot covered by buildings and the total lot area.
- D. Determining lot width.** Lot width is measured as a straight line between the two endpoints of the minimum front yard setback and the intersecting lot lines. For lots with more than one frontage, the smallest measurement among each frontage determines the lot width.
- E. Determining setbacks.** A setback is measured as the shortest distance in a straight line between the outside edge of a structure or sign and a specified property line or public right-of-way. Where no property line is specified, the measurement is taken to the nearest property line.
- F. Measuring amenity space.** Amenity space is measured as a ratio of the total site area before development compared to the collective footprints of those areas meeting the definition of an amenity space.
- G. Measuring light level.** Light levels are specified, calculated, and measured in foot-candles. All foot-candle values are maintained footcandles. Measurements is made at ground level with the light-registering portion of the meter held parallel to the ground pointing up.
- H. Signage measurements.** The following standards control when computing sign area and height:
 - (1) Computation of area of individual signs.** Signs on a background are calculated per diagram “A” in Figure 2.1.4-A by means of the smallest shape (e.g., square, circle, rectangle) that surrounds the extreme limits of writing or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework. Signs consisting of individual letters or features attached to a wall are calculated per diagram “B” in Figure 2.1.4-A as the total area of a hypothetical box surrounding each letter or

feature. Sign area excludes any supporting framework or bracing unless such framework or bracing is part of the message or sign face.

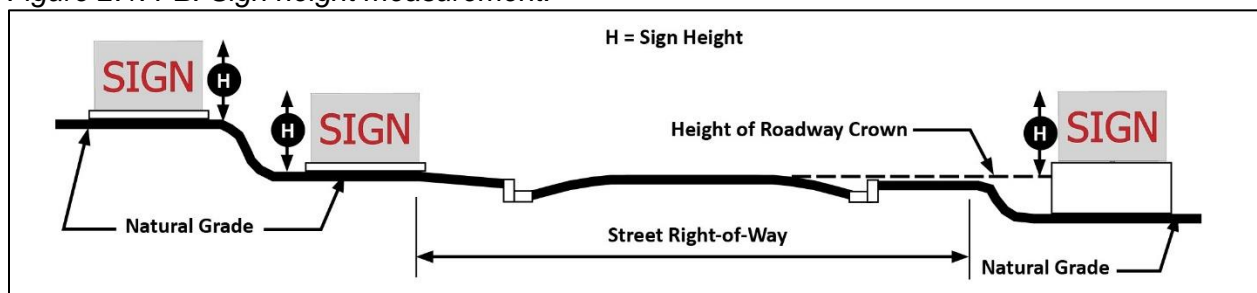
Figure 2.1.4-A: Sign area measurement.



(2) **Computation of area of multi-faced signs.** The area of a sign with more than one face is calculated by totaling the areas of all sign faces visible from any one point. When two faces are identical and back-to-back, so that both faces cannot be viewed from any one point at the same time, the sign is computed by the measurement of one of the faces.

(3) **Computation of sign height.** The height of a sign is measured from the highest of either the natural grade or the roadway crown of the adjacent street which the sign faces to the top of the highest attached component of the sign, as illustrated in Figure 2.1.4-B.

Figure 2.1.4-B: Sign height measurement.



I. **Measuring diameter at breast height.** The diameter of a tree is measured at four and one-half feet above grade level.

Section 2.1.5 - Annexation and De-Annexation

- A. **Annexation.** In the event of annexation of new areas to the city, such areas are considered regulated as the R-40 district until otherwise classified.
- B. **De-annexation.** In the event of de-annexation that removes territory from the city, district boundaries are construed as moving with city limits to no longer include de-annexed geographies.

ARTICLE 2.2 - ZONING DISTRICTS

Section 2.2.1 - (R-2) Townhouse Residential District

- A. **Purpose.** The purpose of the R-2 Townhouse Residential District is to establish reasonable standards of performance and selection of permitted uses therein, in order to maintain and protect the desirable benefits which attached residential uses have throughout the community.
- B. **Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
 - (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
 - (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
 - (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.
- C. **Excerpt tables.** The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-2 district.

Table 2.2.1-A - Excerpt: R-2 District Use Permissions and Parking Requirements

(R-2) Use Permissions and Parking Requirements		
● = Permitted ○ = Special Use Permit Use Type	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Dwelling, Townhouse (Section 2.4.9 - Residential Uses and Section 2.4.12 - Townhouse Dwellings)	●	2 per dwelling unit + 1 visitor space per 10 dwelling units

Table 2.2.1-B - Excerpt: R-2 Dimensional Standards

(R-2) Dimensional Standards	
Dimensional Standard ⁽²⁾ ⁽³⁾	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	12,000 square feet
Maximum Building Height	Principal building: 35 feet Accessory building: 25 feet
Maximum Building Coverage of Lot	40%
Minimum Lot Width	70 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	10 feet for each side setback
Minimum Rear Yard Setback	20 feet
Minimum Amenity Space	<i>Development 5 acres or more: 10% Development less than 5 acres: 5%</i>

(R-2) Dimensional Standards
ADDITIONAL DIMENSIONAL STANDARDS
Maximum residential density of 12 units per acre
<p>Table Notes:</p> <p>(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.1-C - (R-2) Accessory Uses and Structures.</p> <p>(2) Dimensional standards for townhouse dwellings shall be based upon the overall development site, not each individual townhouse lot. The standards in Section 2.4.12 -Townhouse Dwellings may modify otherwise applicable dimensional standards for townhouse developments.</p> <p>(3) One-household detached dwellings must meet the lot area, building coverage, building height, lot width, and setbacks standards of the R-6 district.</p>

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-2 district must meet the dimensional and location requirements of Table 2.2.1-C - (R-2) Accessory Uses and Structures.

Table 2.2.1-C - (R-2) Accessory Uses and Structures

Standard ⁽³⁾	(R-2) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard
Minimum Setback from Property Lines ⁽²⁾	10 feet	10 feet	10 feet
Floor Area Restrictions on Lots 2 Acres or Less	Floor area must not exceed 50% of principal structure's first floor square footage	Footprint must not exceed 18 feet by 22 feet	Footprint must not exceed 18 feet by 22 feet
Floor Area Restrictions on Lots Greater Than 2 Acres	Floor area must not exceed the total square footage of the principal structure	Floor area must not exceed the total square footage of the principal structure	Floor area must not exceed the total square footage of the principal structure

Standard ⁽³⁾	(R-2) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure

Table Notes:

- (1) The standards of this table do not apply to agricultural buildings.
- (2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.
- (3) When accessory to townhouse dwellings, standards will apply to the overall development site, not each individual townhouse lot.

E. Off-street parking. No off-street parking of motor vehicles is allowed between a principal structure and a street, except when such off-street parking of motor vehicles occurs on a driveway that conforms to city standards.

F. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

Section 2.2.2 - (R-3) Medium Density Multi-Household Residential District

- A. Purpose.** The purpose of the R-3 district is to provide for orderly development of one-household, two-household, three-household, and four-household dwellings, permitting and protecting the desirable benefits of such developments and appropriate associated uses for the city.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
 - (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
 - (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.
- C. Excerpt tables.** The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-3 district.

Table 2.2.2-A – Excerpt: R-3 District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(R-3) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Cottage Court (Section 2.4.2 - Cottage Courts)	●	1 per dwelling unit
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit

<p>● = Permitted ○ = Special Use Permit</p> <p>Use Type</p>	(R-3) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
Dwelling, One-Household (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Dwelling, Two-Household (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Three or Four units) (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling unit
Live/Work Unit (Section 2.4.9 - Residential Uses)	●	None
COMMERCIAL AND OFFICE USES		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings
INSTITUTIONAL USES		
Educational Facilities	●	1 per 2,000 square feet of total floor area
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Public Utility Facilities	●	None
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.2-B - Excerpt: R-3 District Dimensional Standards

(R-3) Dimensional Standards	
Dimensional Standard ⁽²⁾	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	6,000 square feet
Maximum Building Height	35 feet
Maximum Building Coverage of Lot	50%
Minimum Lot Width	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	6 feet for each side setback
Minimum Rear Yard Setback	20 feet
Minimum Amenity Space	<i>Development with 30 or more units: 10%</i> <i>Development with less than 30 units: N/A</i>
ADDITIONAL DIMENSIONAL STANDARDS	
Minimum lot area may be reduced by up to 10% to provide for playground area and open space upon approval by the mayor and city council	
Table Notes:	
(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.2-C – (R-3) Accessory Uses and Structures .	
(2) Cottage courts must conform to Section 2.4.2 - Cottage Courts	

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-3 district must meet the dimensional and location requirements of Table 2.2.2-C – (R-3) Accessory Uses and Structures.

Table 2.2.2-C – (R-3) Accessory Uses and Structures

Standard	(R-3) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard

Standard	(R-3) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Minimum Setback from Property Lines ⁽²⁾	10 feet	10 feet	10 feet
Floor Area Restrictions	Floor area must not exceed 50% of principal structure's first floor square footage	N/A	Floor area must not exceed the total square footage of the principal structure
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure
Table Notes:			
(1) The standards of this table do not apply to agricultural buildings.			
(2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.			

E. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility

(10) Section 2.5.10 - Utilities

Section 2.2.3 - (R-4) High Density Residential District

- A. Purpose.** The purpose of establishing high density residential districts is to encourage the logical and timely development of land for apartment and other high density residential purposes in accordance with the objectives, policies, and proposals of the most recently adopted comprehensive plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
 - (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
 - (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.
- C. Excerpt tables.** The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-4 district.

Table 2.2.3-A - Excerpt: R-4 District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(R-4) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Cottage Court (Section 2.4.2 - Cottage Courts)	●	1 per dwelling unit
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Dwelling, One-Household (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Dwelling, Two-Household (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Three or Four) (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Five or More) (Section 2.4.9 - Residential Uses)	●	1 per bedroom
Live/Work Unit (Section 2.4.9 - Residential Uses)	●	None
Manufactured Home Park (Section 2.4.7 -Manufactured Homes and Parks)	○	1 per dwelling unit
COMMERCIAL AND OFFICE USES		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings

● = Permitted ○ = Special Use Permit Use Type	(R-4) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
INSTITUTIONAL USES		
Educational Facilities	●	1 per 2,000 square feet of total floor area
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Public Utility Facilities	●	None
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.3-B - Excerpt: R-4 District Dimensional Standards

(R-4) Dimensional Standards	
Dimensional Standard ⁽²⁾	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	N/A
Maximum Building Height	75 feet
Maximum Building Coverage of Lot	50%
Minimum Lot Width	N/A
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	20 feet from residential districts; 10 feet from all other districts

(R-4) Dimensional Standards	
Minimum Rear Yard Setback	20 feet from residential districts; 10 feet from all other districts
Minimum Amenity Space	<i>Development with 30 or more units: 10%</i> <i>Development with less than 30 units: N/A</i>
ADDITIONAL DIMENSIONAL STANDARDS	
Maximum density of 12 units per acre may be permitted by right; a density greater than 12 units per acre may only be allowed by approval of a special use permit per Section 2.7.5 - Special Use Permits	
Table Notes:	
(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.3-C - (R-4) Accessory Uses and Structures .	
(2) Cottage courts must conform to Section 2.4.2 - Cottage Courts	

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-3 district must meet the dimensional and location requirements of Table 2.2.3-C - (R-4) Accessory Uses and Structures.

Table 2.2.3-C - (R-4) Accessory Uses and Structures

Standard	(R-4) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard
Minimum Setback from Property Lines ⁽²⁾	10 feet	10 feet	10 feet
Floor Area Restrictions	Floor area must not exceed 50% of principal structure's first floor square footage	N/A	Floor area must not exceed the total square footage of the principal structure

Standard	(R-4) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure
Table Notes: (1) The standards of this table do not apply to agricultural buildings. (2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.			

E. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

Section 2.2.4 - (R-6) One-Household Residential

A. Purpose. The purpose of the R-6 residential district is to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits which one-household detached residential uses have throughout the community. In an R-6 residential district, the following regulations apply.

B. Governing tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:

- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
- (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
- (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-6 district.

Table 2.2.4-A - Excerpt: R-6 District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(R-6) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Cottage Court (Section 2.4.2 - Cottage Courts)	●	1 per dwelling unit
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Group Home (Section 2.4.9 - Residential Uses)	○	Lesser of 1 per bedroom or 2 per dwelling
COMMERCIAL AND OFFICE USES		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings

● = Permitted ○ = Special Use Permit Use Type	(R-6) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
INSTITUTIONAL USES		
Educational Facilities	●	1 per 2,000 square feet of total floor area
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Public Utility Facilities	●	None
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.4-B - Excerpt: R-6 District Dimensional Standards

(R-6) Dimensional Standards	
Dimensional Standard ⁽²⁾	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	6,000 square feet
Maximum Building Height	35 feet
Maximum Building Coverage of Lot	45%
Minimum Lot Width	60 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	8 feet for each side setback
Minimum Rear Yard Setback	20 feet

(R-6) Dimensional Standards	
Minimum Amenity Space	<i>Development with 30 or more units: 10%</i> <i>Development with less than 30 units: N/A</i>
Table Notes:	
(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.4-C - (R-6) Accessory Uses and Structures .	
(2) Cottage courts must conform to Section 2.4.2 - Cottage Courts .	

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-6 district must meet the dimensional and location requirements of Table 2.2.4-C - (R-6) Accessory Uses and Structures.

Table 2.2.4-C - (R-6) Accessory Uses and Structures

Standard	(R-6) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard
Minimum Setback from Property Lines ⁽²⁾	5 feet	5 feet	5 feet
Floor Area Restrictions	Floor area must not exceed 50% of principal structure's first floor square footage	N/A	Floor area must not exceed the total square footage of the principal structure
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure
Table Notes:			
(1) The standards of this table do not apply to commercial or agricultural buildings.			
(2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.			

E. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

Section 2.2.5 - (R-15) One-Household Residential

A. Purpose. The purpose of the R-15 residential district is to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits which one-household detached residential uses have throughout the community.

B. Governing tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:

- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
- (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
- (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-15 district.

Table 2.2.5-A - Excerpt: R-15 District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(R-15) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Group Home (Section 2.4.9 - Residential Uses)	○	Lesser of 1 per bedroom or 2 per dwelling
COMMERCIAL AND OFFICE USES		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings
INSTITUTIONAL USES		
Educational Facilities	○	1 per 2,000 square feet of total floor area
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
Religious or Philanthropic Institutions	○	1 per 1,000 square feet of customer service area
Public Utility Facilities	●	None
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.5-B - Excerpt: R-15 District Dimensional Standards

(R-15) Dimensional Standards	
Dimensional Standard	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	15,000 square feet
Maximum Building Height	35 feet
Maximum Building Coverage of Lot	25%
Minimum Lot Width	80 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	25 feet total; 10 feet for each side setback
Minimum Rear Yard Setback	25 feet
Minimum Amenity Space	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>
Table Notes:	
(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.5-C - (R-15) Accessory Uses and Structures .	

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-15 district must meet the dimensional and location requirements of Table 2.2.5-C - (R-15) Accessory Uses and Structures.

Table 2.2.5-C - (R-15) Accessory Uses and Structures

Standard	(R-15) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard
Minimum Setback from Property Lines ⁽²⁾	5 feet	5 feet	5 feet

Standard	(R-15) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Floor Area Restrictions	Floor area must not exceed 50% of principal structure's first floor square footage	N/A	Floor area must not exceed the total square footage of the principal structure
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure
Table Notes:			
(1) The standards of this table do not apply to agricultural buildings.			
(2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.			

E. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

- F. Educational, religious, or philanthropic uses.** In an R-15 residential district, a lot that is used for or proposed to be used for educational facilities and religious or philanthropic institutions may have more than one principal building provided that each additional building must be substantially similar in material, roof material, foundation, and general aesthetic appearance to existing buildings on the site, or to the predominant building on the site if certain existing buildings are nonconforming according to the provisions of this UDC. Such a determination shall be made at the discretion of the zoning administrator upon review of a complete application for additional buildings.
- G. Municipal, county, state, or federal uses.** In an R-15 residential district, municipal, county, state, or federal uses (other than correctional institutions, penal institutions, or sanitary landfills) are permitted upon review of a complete application by the mayor and city council where the mayor and city council makes the following findings:
- (1) The proposed use and structures are aesthetically compatible with surrounding properties.
 - (2) There will be no adverse impact on the property values of properties surrounding the proposed use, or the extent of the adverse impact to property values is mitigated by the proposed use's increase in or protection of public health, safety, morals, and general welfare.
 - (3) There will be no adverse impact on traffic, parking, stormwater management, and other city or government services and quality of life in the surrounding neighborhoods.

Section 2.2.6 - (R-40) One-Household Residential

- A. Purpose.** The purpose of the R-40 residential district is to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits which one-household detached residential uses have throughout the community.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.

- (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
- (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the R-40 district.

Table 2.2.6-A - Excerpt: R-40 District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(R-40) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
COMMERCIAL AND OFFICE USES		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings
INSTITUTIONAL USES		
Educational Facilities	●	1 per 2,000 square feet of total floor area
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Public Utility Facilities	●	None

● = Permitted ○ = Special Use Permit Use Type	(R-40) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.6-B - Excerpt: R-40 District Dimensional Standards

(R-40) Dimensional Standards	
Dimensional Standard	Requirement ⁽¹⁾ (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	40,000 square feet
Maximum Building Height	35 feet
Maximum Building Coverage of Lot	25%
Minimum Lot Width	60 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet total; 15 feet for each side setback
Minimum Rear Yard Setback	50 feet
Minimum Amenity Space	<i>Development with 30 or more units: 10%</i> <i>Development with less than 30 units: N/A</i>
Table Notes:	
(1) Accessory uses and structures are subject to additional or modified restrictions provided in Table 2.2.6-C - (R-40) Accessory Uses and Structures .	

D. Accessory uses and structures. In addition to other applicable standards, accessory structures in the R-40 district must meet the dimensional and location requirements of Table 2.2.6-C - (R-40) Accessory Uses and Structures.

Table 2.2.6-C - (R-40) Accessory Uses and Structures

Standard	(R-40) Accessory Uses and Structures ⁽¹⁾		
	Detached Garages or Carports	Swimming Pools and Enclosures	All Other Accessory Uses/Structures
Permitted Locations	Side yard, rear yard	Side yard, rear yard	Side yard, rear yard
Minimum Setback from Property Lines ⁽²⁾	10 feet	10 feet	10 feet
Floor Area Restrictions	Floor area must not exceed 50% of principal structure's first floor square footage	N/A	Floor area must not exceed the total square footage of the principal structure
Height Restrictions	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 25 feet; or (B) the height of the principal structure	Lesser of (A) 15 feet; or (B) the height of the principal structure
Table Notes:			
(1) The standards of this table do not apply to commercial or agricultural buildings.			
(2) On a double-frontage lot or a corner lot, accessory buildings or structures must be set back a minimum of the front yard setback from any property lines that abut a street.			

E. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures

(9) Section 2.5.9 - Corner Visibility

(10) Section 2.5.10 - Utilities

F. Educational, religious, or philanthropic uses. In an R-40 residential district, a lot that is use for or proposed to be use for educational facilities and religious or philanthropic institutions may have more than one principal building provided that each additional building must be substantially similar in material, roof material, foundation, and general aesthetic appearance to existing buildings on the site, or to the predominant building on the site if certain existing buildings are nonconforming according to the provisions of this UDC. Such a determination shall be made at the discretion of the zoning administrator upon review of a complete application for additional buildings.

G. Municipal, county, state, or federal uses. In an R-40 residential district, municipal, county, state, or federal uses (other than correctional institutions, penal institutions, or sanitary landfills) are permitted upon review of a complete application by the mayor and city council of Statesboro where the mayor and city council of Statesboro makes the following findings:

- (1) The proposed use and structures are aesthetically compatible with surrounding properties.
- (2) There will be no adverse impact on the property values of properties surrounding the proposed use, or the extent of the adverse impact to property values is mitigated by the proposed use's increase in or protection of public health, safety, morals, and general welfare.
- (3) There will be no adverse impact on traffic, parking, stormwater management, and other city or government services and quality of life in the surrounding neighborhoods.

Section 2.2.7 - (CBD) Central Business District

A. Purpose. The purpose of the CBD district is to provide for the orderly development of a major business and commerce area of the city in accordance with the objectives, policies, and proposals of the comprehensive plan. The development of this district shall be directed as to the plans and redevelopment proposals heretofore shown in the comprehensive plan and studies which may subsequently follow. The logical and timely



development of land for business purposes is herein a stated purpose of this district. The district proposes to permit a uniformity of design to ensure the orderly arrangement of buildings, land uses and parking areas, and all construction hereafter proposed for this area must be related to this objective. The architectural and design arrangement of buildings are encouraged to conform to the general character and plans of the central business district.

B. Governing tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:

- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
- (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
- (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the CBD district.

Table 2.2.7-A - Excerpt: CBD District Use Permissions and Parking Requirements

 = Permitted  = Special Use Permit Use Type	(CBD) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None required in CBD
Cottage Court (Section 2.4.2 - Cottage Courts)	●	None required in CBD
Dwelling, Multi-Household (Three or Four) (Section 2.4.9 - Residential Uses)	●	None required in CBD

● = Permitted ○ = Special Use Permit Use Type	(CBD) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
Dwelling, Multi-Household (Five or More) (Section 2.4.9 - Residential Uses)	●	None required in CBD
Dwelling, Townhouse (Section 2.4.9 - Residential Uses and Section 2.4.12 - Townhouse Dwellings)	●	None required in CBD
Live/Work Unit (Section 2.4.9 - Residential Uses)	●	None required in CBD
COMMERCIAL AND OFFICE USES		
ALCOHOL-CONSUMPTION ESTABLISHMENTS		
Taverns	●	None required in CBD
BUSINESS OR PROFESSIONAL OFFICES		
Agencies, Studios, and Associated Classrooms	●	None required in CBD
Banks or Credit Unions	●	None required in CBD
Newspaper Publishing or Job Printing	●	None required in CBD
Other Business or Professional Offices	●	None required in CBD
EATING ESTABLISHMENTS		
Eating Establishments	●	None required in CBD
ENTERTAINMENT ESTABLISHMENTS		
Amusement Establishments, Indoor	●	None required in CBD
Event Facility	●	None required in CBD
LODGING ESTABLISHMENTS		
Lodging Establishments	●	None required in CBD

● = Permitted ○ = Special Use Permit Use Type	(CBD) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RETAIL ESTABLISHMENTS (NON-VEHICLE-RELATED)		
Retail Greenhouse or Nursery	●	None required in CBD
Other Retail Establishments	●	None required in CBD
SERVICE ESTABLISHMENTS		
Laundry or Dry-Cleaning Establishments	○	None required in CBD
Personal Services Facilities	●	None required in CBD
VEHICLE-RELATED ESTABLISHMENTS		
Parking Lot	●	None required in CBD
WHOLESALE ESTABLISHMENTS		
Wholesale Establishments	●	None required in CBD
INDUSTRIAL USES		
Artisan Manufacturing	●	None required in CBD
INSTITUTIONAL USES		
EDUCATIONAL FACILITIES		
Day Care Center or Day Care, Group (Section 2.4.3 - Day Cares)	○	None required in CBD
Educational Facilities	●	None required in CBD
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES		
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None required in CBD
PUBLIC ASSEMBLY FACILITIES		
Religious or Philanthropic Institutions	●	None required in CBD

Table 2.2.7-B - Excerpt: CBD Dimensional Standards

(CBD) Dimensional Standards	
Dimensional Standard	Requirement (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	N/A
Maximum Building Height	65 feet for buildings containing residential mixed uses; 45 feet for non-residential uses
Maximum Building Coverage of Lot	N/A
Minimum Lot Width	N/A
Minimum Front Yard Setback	N/A
Minimum Side Yard Setback	N/A
Minimum Rear Yard Setback	N/A
Table Notes: [Reserved]	

D. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

- E. Curb cuts restricted.** Where a lot abuts an improved alley right-of-way, a parking garage or parking lot shall only be approved if:
- (1) Vehicular access into and out of the garage is provided from the alley; and
 - (2) All other curb cuts from the lot to non-alley rights-of-way are removed and restored to provide uninterrupted pedestrian walkways.
- F. Parking garage design standards.** See Section 2.5.2 -M.
- G. Parking lots.** Parking lots in the CBD district must meet the following standards in addition to or as modified from all other applicable standards.
- (1) **Required setback.** Parking lots must provide a minimum 20-foot setback from non-alley rights-of-way.
 - (2) **Required elements within setback.** Within the required setback, the lot must provide at least one public bench, at least two bicycle parking spaces, landscaping, and hardscaping that provides a park-like or plaza-like setting.
 - (3) **Interruption of setback.** This landscaped or hardscaped frontage may be interrupted only for the smallest areas required to permit vehicles to enter and/or exit the parking lot.
 - (4) **Prohibited locations.** Parking lots are prohibited in the following locations:
 - (i) In front yards and corner side yards; and
 - (ii) Closer to either street than the principal building façade on corner lots.
- H. Bicycle parking.** Bicycle parking, if provided, must be accessible to all building occupants and provided in a safe, accessible, well-lit, and convenient location within 50 feet of a building entrance. Bicycle parking must provide clear and maneuverable access to a street or trail and must be located at least as close to the building entrance as the closest car parking space serving that building, except for handicapped parking spaces.
- I. Active frontages.**
- (1) Buildings shall provide active frontages as follows:

- (i) All buildings, except parking garages, shall provide active frontages on all stories abutting public streets (excluding public alleys).
- (ii) Parking garages shall provide active frontages per Section 2.5.2 -M.
- (2)** Active frontages shall meet the standards of Section 2.5.13 - Active Frontages.
- (3)** Active frontages shall have transparent glass that faces abutting public streets as shown in Table 2.2.7-C - CBD Active Frontage Standards.
- (4)** Active frontages shall have pedestrian access from abutting public streets when required in Table 2.2.7-C - CBD Active Frontage Standards.

Table 2.2.7-C - CBD Active Frontage Standards

Story	Transparent Glass	Pedestrian Access ⁽¹⁾
Ground Story -Nonresidential ⁽²⁾	Per Section 2.5.11 - Storefronts	Required
Ground Story – Residential	20% min., no max.	Required
Upper Story – All Uses	20% min., 60% max.	Not required
Table Notes: (1) Emergency doors may not be used to satisfy pedestrian access requirements. (2) Excludes institutional uses.		

Section 2.2.8 - (O) Office and Business Office District

- A. Purpose.** The purpose of the O district is to provide for orderly development of office and business uses, permitting and protecting the desirable benefits of such developments and appropriate associated uses.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
 - (1)** Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
 - (2)** Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.

(3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the O district.

Table 2.2.8-A - Excerpt: O District Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(O) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Dwelling, One-Household (Section 2.4.9 - Residential Uses)	●	2 per dwelling unit
Dwelling, Two-Household (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Three or Four) (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Five or More) (Section 2.4.9 - Residential Uses)	●	1 per bedroom
Institutional Residential (Section 2.4.9 - Residential Uses)	●	1 per 2 beds
Live/Work Unit (Section 2.4.9 - Residential Uses)	●	None

● = Permitted ○ = Special Use Permit Use Type	(O) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
COMMERCIAL AND OFFICE USES		
BUSINESS OR PROFESSIONAL OFFICES		
Agencies, Studios, and Associated Classrooms	●	1 per 1,000 square feet of total floor area
Banks or Credit Unions	●	1 per 1,000 square feet of total floor area
Newspaper Publishing or Job Printing	Not permitted	N/A
Other Business or Professional Offices	●	1 per 1,000 square feet of total floor area
ENTERTAINMENT ESTABLISHMENTS		
Event Facility	○	1 per 1,000 square feet of customer service area
SERVICE ESTABLISHMENTS		
Funeral Homes or Mortuaries	●	1 per 1,000 square feet of total floor area
INDUSTRIAL USES		
Artisan Manufacturing	●	1 per 2,000 square feet of total floor area
INSTITUTIONAL USES		
EDUCATIONAL FACILITIES		
Day Care Center or Day Care, Group (Section 2.4.3 - Day Cares)	●	1 per 2,000 square feet of customer service area
Educational Facilities	●	1 per 2,000 square feet of customer service area
HEALTH CARE FACILITIES		
Clinics and Medical Offices	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per

● = Permitted ○ = Special Use Permit Use Type	(O) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
		1,000 square feet of customer service area
Hospitals	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES		
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
PUBLIC ASSEMBLY FACILITIES		
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Social Lodges or Clubs	●	1 per 1,000 square feet of customer service area
PUBLIC UTILITY FACILITIES		
Public Utility Facilities	●	None

Table 2.2.8-B - Excerpt: O Dimensional Standards

(O) Dimensional Standards	
Dimensional Standard	Requirement (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	N/A
Maximum Building Height	N/A
Maximum Building Coverage of Lot	N/A
Minimum Lot Width	N/A

(O) Dimensional Standards	
Minimum Front Yard Setback ⁽¹⁾	N/A
Minimum Side Yard Setback	N/A
Minimum Rear Yard Setback	N/A
ADDITIONAL DIMENSIONAL STANDARDS	
Minimum regulations shall be based on adjoining or nearest residential zone (if two such zones are present, the least restrictive applies)	
Table Notes:	
(1) Applicable minimum setback requirements may be reduced to match the shortest front yard setback of a primary structure on an abutting property within the same district.	

D. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

Section 2.2.9 - (MX) Mixed-Use District

A. Purpose. The purpose of the MX district is to provide for orderly development and redevelopment of residential, commercial, and office uses in a walkable built environment, permitting and protecting the desirable benefits of such developments and appropriate associated uses for the city.

B. Governing tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:

- (1) Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
- (2) Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
- (3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the MX district.

Table 2.2.9-A - Excerpt: MX Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(MX) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Accessory Dwelling Unit	●	None
Cottage Court (Section 2.4.2 - Cottage Courts)	●	1 per dwelling unit
Dwelling, Townhouse (Section 2.4.9 - Residential Uses and Section 2.4.12 - Townhouse Dwellings)	●	2 per dwelling unit + 1 visitor space per 10 dwelling units
Dwelling, Two-Household (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling
Dwelling, Multi-Household (Three or Four) (Section 2.4.9 - Residential Uses)	●	Lesser of 1 per bedroom or 2 per dwelling

● = Permitted ○ = Special Use Permit Use Type	(MX) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
Dwelling, Multi-Household (Five or More) (Section 2.4.9 - Residential Uses)	●	1 per bedroom
Group Home (Section 2.4.9 - Residential Uses)	○	Lesser of 1 per bedroom or 2 per dwelling
Institutional Residential (Section 2.4.9 - Residential Uses)	●	1 per 2 beds
Live/Work Unit (Section 2.4.9 - Residential Uses)	●	None
COMMERCIAL AND OFFICE USES		
ALCOHOL-CONSUMPTION ESTABLISHMENTS		
Bars	●	1 per 2,000 square feet of customer service area
Taverns	●	1 per 2,000 square feet of customer service area
BUSINESS OR PROFESSIONAL OFFICES		
Agencies, Studios, and Associated Classrooms	●	1 per 1,000 square feet of total floor area
Banks or Credit Unions	●	1 per 1,000 square feet of total floor area
Newspaper Publishing or Job Printing	●	1 per 1,000 square feet of total floor area
Other Business or Professional Offices	●	1 per 1,000 square feet of total floor area

● = Permitted ○ = Special Use Permit Use Type	(MX) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
EATING ESTABLISHMENTS		
Eating Establishments	●	<u>With seating</u> : 1 per 1,000 square feet of customer service area <u>With no seating</u> : 2.5 per 1,000 square feet of customer service area
ENTERTAINMENT ESTABLISHMENTS		
Amusement Establishments, Indoor	●	1 per 1,000 square feet of customer service area
Event Facility	●	1 per 1,000 square feet of customer service area
LODGING ESTABLISHMENTS		
Lodging Establishments	●	1 per guestroom + any required spaces for additional uses (e.g., eating establishments, offices)
RETAIL ESTABLISHMENTS (NON-VEHICLE-RELATED)		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings
Other Retail Establishments	●	1 per 500 square feet of customer service area
SERVICE ESTABLISHMENTS		
Funeral Homes or Mortuaries	●	1 per 1,000 square feet of customer service area
Laundry or Dry-Cleaning Establishments	○	1 per 1,000 square feet of customer service area
Personal Services Facilities	●	1 per 1,000 square feet of customer service area

● = Permitted ○ = Special Use Permit Use Type	(MX) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
VEHICLE-RELATED ESTABLISHMENTS		
Fuel Sales	●	1 per 1,000 square feet of customer service area
WHOLESALE ESTABLISHMENTS		
Wholesale Establishments	●	1 per 1,000 square feet of customer service area
INDUSTRIAL USES		
Artisan Manufacturing	●	1 per 2,000 square feet of total floor area
INSTITUTIONAL USES		
EDUCATIONAL FACILITIES		
Day Care Center or Day Care, Group (Section 2.4.3 - Day Cares)	●	1 per 2,000 square feet of customer service area
Educational Facilities	●	1 per 2,000 square feet of customer service area
HEALTH CARE FACILITIES		
Clinics and Medical Offices	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
Hospitals	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES		
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None

● = Permitted ○ = Special Use Permit Use Type	(MX) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
PUBLIC ASSEMBLY FACILITIES		
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area
Social Lodges or Clubs	●	1 per 1,000 square feet of customer service area
AGRICULTURAL AND RECREATIONAL USES		
Playgrounds, Parks, and Other Recreational Uses	●	1 per 5,000 square feet of total land area

Table 2.2.9-B - Excerpt: MX Dimensional Standards

(MX) Dimensional Standards	
Dimensional Standard	Requirement (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	N/A
Maximum Building Height	65 feet ⁽¹⁾
Maximum Building Coverage of Lot	N/A
Minimum Lot Width	N/A
Minimum Front Yard Setback ⁽²⁾	0 feet
Maximum Front Yard Setback	10 feet
Minimum Side Yard Setback	5 feet
Minimum Rear Yard Setback	5 feet
Minimum Amenity Space	5% of development site ⁽³⁾
Table Notes:	
(1) Buildings where the entire ground floor is occupied by commercial and office uses may have an increased height of 75 feet.	
(2) Applicable minimum setback requirements may be reduced to match the shortest front yard setback of a primary structure on an abutting property within the same district.	
(3) To encourage outdoor dining, it may be counted towards amenity space requirements.	

D. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

E. Sidewalks and pedestrian areas.

- (1) Sidewalks and pedestrian areas must be provided along the public right-of-way for each property.
- (2) Sidewalks must be a minimum of five feet wide and meet city standards and specifications.
- (3) Sidewalks must use decorative paving that is consistent with the designs adopted by the city.
- (4) Where adequate right-of-way exists, sidewalks and decorative paving must be extended to create additional space for street crossings, gatherings, or clustering of street furniture.
- (5) Continuous internal pedestrian walkways must be provided from the public sidewalk or right-of-way to the main customer entrance of all principal buildings.

F. Street furniture and lighting.

- (1) Lighting may be used for the following:
 - (i) To accent architectural details.
 - (ii) To accent building entrances.
 - (iii) To accent signs.
 - (iv) To illuminate sidewalks.
 - (v) To accent tree canopy or other landscaping.
- (2) Exterior lighting must have a low level of luminescence that casts a color similar to day time light and should not interfere with the adjacent property or automobile traffic.
- (3) Lighting standards must meet those required by the Safe By Design Program of the City of Statesboro and must include parking areas.
- (4) All street furniture must adhere to the specifications of and be approved in design and placement by the city.

G. Parking garage design standards. See Section 2.5.2 -M.

H. Parking lots. Parking lots in the MX district must meet the following standards in addition to or as modified from all other applicable standards.

- (1) **Required setback.** Parking lots must provide a minimum 20-foot setback from non-alley rights-of-way.
- (2) **Required elements within setback.** Within the required setback, the lot must provide at least one public bench, at least two bicycle parking spaces, landscaping, and hardscaping that provides a park-like or plaza-like setting.
- (3) **Interruption of setback.** This landscaped or hardscaped frontage may be interrupted only for the smallest areas required to permit vehicles to enter and/or exit the parking lot.
- (4) **Prohibited locations.** Parking lots are prohibited in the following locations:
 - (i) In front yards and corner side yards; and
 - (ii) Closer to either street than the principal building façade on corner lots.

I. Bicycle parking. Bicycle parking, if provided, must be accessible to all building occupants and provided in a safe, accessible, well-lit, and convenient location within 50 feet of a building entrance. Bicycle parking must provide clear and maneuverable access to a street or trail and must be located at least as close to the building entrance as the closest car parking space serving that building, except for handicapped parking spaces.

J. Active frontages.

(1) Buildings shall provide active frontages as follows:

- (i) All buildings, except parking garages, shall provide active frontages on all stories abutting public streets (excluding public alleys).
- (ii) Parking garages shall provide active frontages per Section 2.5.2 -M.

(2) Active frontages shall meet the standards of Section 2.5.13 - Active Frontages.

(3) Active frontages shall have transparent glass that faces abutting public streets as shown in Table 2.2.9-C - MX District Active Frontage Standards.

(4) Active frontages shall have pedestrian access from abutting public streets when required in Table 2.2.9-C - MX District Active Frontage Standards.

Table 2.2.9-C - MX District Active Frontage Standards

Story	Transparent Glass	Pedestrian Access ⁽¹⁾
Ground Story -Nonresidential ⁽²⁾	Per Section 2.5.11 - Storefronts	Required
Ground Story – Residential	20% min., no max.	Required
Upper Story – All Uses	20% min., 60% max.	Not required
Table Notes:		
(1) Emergency doors may not be used to satisfy pedestrian access requirements.		
(2) Excludes institutional uses.		

K. Modifications to parking space requirements. The following standards may reduce the minimum required off-street parking spaces, as applicable.

(1) Lots of record that are 5,000 square feet or less in area will not be required to provide off-street parking spaces. The minimum required off-street parking spaces required in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements shall

be reduced for lots that are greater than 5,000 square feet and less than 10,000 square feet in area per the provisions of Table 2.2.9-D - MX District Parking Requirement Reductions. Lots that are 10,000 square feet or greater in area are required to provide 100% of the minimum off-street parking spaces required in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements, except as otherwise modified within this Subsection.

Table 2.2.9-D - MX District Parking Requirement Reductions

Size of Lot of Record		Minimum Ratio of Parking Spaces Required in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements
Greater Than:	And Less Than or Equal To:	
5,000 Square Feet	6,000 Square Feet	20%
6,000 Square Feet	7,000 Square Feet	40%
7,000 Square Feet	8,000 Square Feet	60%
8,000 Square Feet	9,000 Square Feet	80%
9,000 Square Feet	10,000 Square Feet	100%

- (2) The minimum number of required parking spaces shall be reduced by 30% for each property that is within .25 miles of a public transportation stop, as measured in a straight line between the leading edge of the property and the public transportation stop.
- (3) Each electric vehicle charging station provided will reduce the minimum required number of off-street parking spaces by two after a reduction of the minimum required spaces for proximity to public transportation, if applicable. Each electric vehicle charging station will count toward the minimum required number of off-street parking spaces.
- (4) Each set of four bicycle parking spaces provided will reduce the minimum required number of off-street parking spaces by two after a reduction of the minimum required spaces for proximity to public transportation, if applicable.

Section 2.2.10 - (HOC) Highway Oriented Commercial District

A. Intent. The HOC highway oriented commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which, although serving the entire community and its trading area, do not and should not be encouraged to locate in the retail commercial or nonretail commercial districts. The HOC highway oriented commercial districts ordinarily must be located along roads designated in the major thoroughfare plan as major highways. For the HOC district, the specific intent of this Section is:

- (1)** To encourage the logical and timely development of land for HOC purposes in accordance with the objectives, policies and proposals of the most recently adopted comprehensive plan, the location of the HOC district must be in accordance with the said city plan.
- (2)** To encourage the construction of, and the continued use of land for commercial, service and amusement uses serving both local and long-distance travelers.
- (3)** To provide for orderly development and concentration of such uses within the HOC district as designated in the most recently adopted comprehensive plan.
- (4)** To provide appropriate space, and in particular, sufficient depth from the street, to satisfy the needs of modern commercial development where access is entirely dependent on the automobile.
- (5)** To encourage the development of the district with such uses and in such a manner as to minimize traffic hazards and interference from highway-oriented businesses.

B. Governing tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:

- (1)** Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
- (2)** Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.

(3) Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.

C. Excerpt tables. The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the HOC district.

Table 2.2.10-A - Excerpt: HOC Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(HOC) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
RESIDENTIAL USES		
Institutional Residential (Section 2.4.9 - Residential Uses)	●	1 per 2 beds
COMMERCIAL AND OFFICE USES		
ALCOHOL-CONSUMPTION ESTABLISHMENTS		
Bars	●	1 per 2,000 square feet of customer service area
Taverns	●	1 per 2,000 square feet of customer service area
BUSINESS OR PROFESSIONAL OFFICES		
Agencies, Studios, and Associated Classrooms	Not permitted	N/A
Banks or Credit Unions	●	1 per 1,000 square feet of total floor area
Newspaper Publishing or Job Printing	●	1 per 1,000 square feet of total floor area
Other Business or Professional Offices	●	1 per 1,000 square feet of total floor area

● = Permitted ○ = Special Use Permit Use Type	(HOC) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
EATING ESTABLISHMENTS		
Eating Establishments	●	With seating: 1 per 1,000 square feet of customer service area With no seating: 2.5 per 1,000 square feet of customer service area
ENTERTAINMENT ESTABLISHMENTS		
Adult Entertainment Businesses	●	1 per 1,000 square feet of customer service area
Amusement Establishments, Indoor	●	1 per 1,000 square feet of customer service area
Amusement Establishments, Outdoor	●	1 per 1,000 square feet of customer service area
Event Facility	●	1 per 1,000 square feet of customer service area
LODGING ESTABLISHMENTS		
Lodging Establishments	●	1 per guestroom + any required spaces for additional uses (e.g., eating establishments, offices)
RETAIL ESTABLISHMENTS (NON-VEHICLE-RELATED)		
Retail Greenhouse or Nursery	●	1 per 500 square feet of customer service area within buildings
Other Retail Establishments	●	1 per 500 square feet of customer service area
SERVICE ESTABLISHMENTS		
Laundry or Dry-Cleaning Establishments	●	1 per 1,000 square feet of customer service area

● = Permitted ○ = Special Use Permit Use Type	(HOC) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
Personal Services Facilities	●	1 per 1,000 square feet of customer service area
VEHICLE-RELATED ESTABLISHMENTS		
Automotive and Allied Sales and Services	●	1 per 1,000 square feet of customer service area
Fuel Sales	●	1 per 1,000 square feet of customer service area
Parking Lot	●	1 per 1,000 square feet of customer service area
WHOLESALE ESTABLISHMENTS		
Wholesale Establishments	●	1 per 1,000 square feet of customer service area
INDUSTRIAL USES		
Artisan Manufacturing	●	1 per 2,000 square feet of total floor area
Self-Storage Facility	●	1 per 20 storage spaces
Warehouse	●	1 per 5,000 square feet of total floor area
INSTITUTIONAL USES		
EDUCATIONAL FACILITIES		
Day Care Center or Day Care, Group (Section 2.4.3 - Day Cares)	●	1 per 2,000 square feet of customer service area
Educational Facilities	●	1 per 2,000 square feet of customer service area

● = Permitted ○ = Special Use Permit Use Type	(HOC) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
HEALTH CARE FACILITIES		
Clinics and Medical Offices	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
Hospitals	●	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES		
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
PUBLIC ASSEMBLY FACILITIES		
Religious or Philanthropic Institutions	●	1 per 1,000 square feet of customer service area

Table 2.2.10-B - Excerpt: HOC Dimensional Standards

(HOC) Dimensional Standards	
Dimensional Standard	Requirement (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	20,000 square feet
Maximum Building Height ⁽¹⁾	45 feet
Maximum Building Coverage of Lot	30%
Minimum Lot Width	100 feet for interior lots; 75 feet for corner lots
Minimum Front Yard Setback ⁽²⁾	60 feet generally; 20 feet if no front yard parking is provided

(HOC) Dimensional Standards	
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
ADDITIONAL DIMENSIONAL STANDARDS	
50-foot minimum setback from any HOC property line abutting a CBD district, an O district, or any residential district; a parking lot must not be less than 20 feet from a street line or district boundary	
Table Notes: (1) Maximum height may be increased by grant of special exception by the mayor and city council with a condition that each additional foot of height adds an additional foot to all minimum setback requirements. (2) Applicable minimum setback requirements may be reduced to match the shortest front yard setback of a primary structure on an abutting property within the same district.	

D. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives
- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

E. Development consideration requirements. The general plan for new highway oriented commercial districts must include evidence showing that the development considers, makes provisions for, and must be executed in accordance with the following conditions:

- (1) It must consist of a harmonious selection of uses, grouping of buildings, service and parking area circulation, and open spaces, planned and designed as an integrated unit in a manner that constitutes a safe, efficient, and convenient highway oriented commercial district.
 - (2) The proposed development must provide adequate areas for emergency responding vehicles and equipment, for loading and unloading delivery trucks, and for servicing refuse collection.
 - (3) Service areas must be screened from view from any abutting roadway and from within the parking area.
 - (4) Provision must be made for safe and efficient ingress and egress to and from public highways serving the district without congestion to or interference with normal traffic flow.
- F. Site standards.** No facility may be erected or used that is not adequately served with both sanitary sewers and public water unless authorized as a special exception and upon submission of satisfactory evidence to the fact that sanitary sewers and public water supply are not feasible for the subject property. Such evidence may include but will not be limited to a specific recommendation from the UDC administrator, local health officer, or official representative of the state health department.
- G. Parking lots.** Parking lots in the HOC district must meet the following standards in addition to or as modified from all other applicable standards.
- (1) **Required setback.** Parking lots must provide a minimum 20-foot setback from non-alley rights-of-way.
 - (2) **Required elements within setback.** Within the required setback, the lot must provide at least one public bench, at least two bicycle parking spaces, landscaping, and hardscaping that provides a park-like or plaza-like setting.
 - (3) **Interruption of setback.** This landscaped or hardscaped frontage may be interrupted only for the smallest areas required to permit vehicles to enter and/or exit the parking lot.
- H. Bicycle parking.** Any bicycle parking spaces provided within the setback may be counted towards the minimum required bicycle parking spaces.

Section 2.2.11 - (L-I) Light Industrial Districts

- A. Intent.** The purpose of the L-I district is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of uses.
- B. Governing tables.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables govern the following standards:
- (1)** Table 2.3.2-A - Comprehensive Principal Use Permissions Table governs the uses permitted and prohibited within each district.
 - (2)** Table 2.3.3-A - Comprehensive Dimensional Standards Table governs dimensional development standards within each district.
 - (3)** Table 2.5.2-A – Comprehensive Vehicular Parking Requirements governs parking requirements for each type of use.
- C. Excerpt tables.** The following tables provide excerpts of the use permissions, vehicular parking requirements, and dimensional standards applicable to the L-I district.

Table 2.2.11-A - Excerpt: L-I Use Permissions and Parking Requirements

● = Permitted ○ = Special Use Permit Use Type	(L-I) Use Permissions and Parking Requirements	
	Use Permissions (Excerpt of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Excerpt of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
COMMERCIAL AND OFFICE USES		
ALCOHOL-CONSUMPTION ESTABLISHMENTS		
Bars	○	1 per 2,000 square feet of customer service area
Taverns	○	1 per 2,000 square feet of customer service area

● = Permitted ○ = Special Use Permit Use Type	(L-I) Use Permissions and Parking Requirements	
	Use Permissions (Except of Table 2.3.2-A - Comprehensive Principal Use Permissions Table)	Minimum Parking Requirements (Except of Table 2.5.2-A – Comprehensive Vehicular Parking Requirements)
VEHICLE-RELATED ESTABLISHMENTS		
Automotive and Allied Sales and Services	●	1 per 1,000 square feet of customer service area
INDUSTRIAL USES		
Artisan Manufacturing	●	1 per 2,000 square feet of total floor area
Industrial Uses, Light (Section 2.4.6 - Light Industrial Uses)	●	1 per 2,000 square feet of total floor area
Junkyards (Section 2.4.5 - Junkyards)	○	None
Warehouse	●	1 per 5,000 square feet of total floor area
Self-Storage Facility	●	1 per 20 storage spaces
INSTITUTIONAL USES		
EDUCATIONAL FACILITIES		
Day Care Center or Day Care, Group (Section 2.4.3 - Day Care)	●	1 per 2,000 square feet of customer service area
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES		
Municipal, County, State, or Federal Uses (Other than Correctional or Penal Institutions; Sanitary Landfills)	●	None
AGRICULTURAL AND RECREATIONAL USES		
Agriculture Uses	●	None

Table 2.2.11-B - Excerpt: L-I Dimensional Standards

(L-I) Dimensional Standards	
Dimensional Standard	Requirement (Excerpt of Table 2.3.3-A - Comprehensive Dimensional Standards Table)
Minimum Lot Area	N/A
Maximum Building Height ⁽¹⁾	35 feet
Maximum Building Coverage of Lot	40%
Minimum Lot Width	N/A
Minimum Front Yard Setback ⁽²⁾	60 feet generally; 20 feet if no front yard parking is provided
Minimum Side Yard Setback	60 feet total; 15 feet for each side setback
Minimum Rear Yard Setback	20 feet
ADDITIONAL DIMENSIONAL STANDARDS	
200-foot minimum setback required between structures and any residential district; 100-foot minimum setback required between parking areas and any residential district; 100-foot (minimum width) buffer area with landscaping required along L-I property lines that abut a residential district	
Table Notes:	
(1) Maximum height may be increased by grant of special exception by the mayor and city council with a condition that each additional foot of height adds an additional foot to all minimum setback requirements.	
(2) Applicable minimum setback requirements may be reduced to match the shortest front yard setback of a primary structure on an abutting property within the same district.	

D. Generally applicable regulations. See Article 2.5 - Generally Applicable Regulations for regulations regarding:

- (1) Section 2.5.1 - Accessory Uses and Structures
- (2) Section 2.5.2 - Parking and Loading
- (3) Section 2.5.3 - Signs
- (4) Section 2.5.4 - Landscaping and Buffering
- (5) Section 2.5.5 - Fences, and Walls, and Screening
- (6) Section 2.5.6 - Historic Preservation Incentives

- (7) Section 2.5.7 - Lighting
- (8) Section 2.5.8 - Swimming Pools and Enclosures
- (9) Section 2.5.9 - Corner Visibility
- (10) Section 2.5.10 - Utilities

Section 2.2.12 - (PUD) Planned Unit Development District Overlay

- A. Intent.** The purpose of the PUD district is to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this Zoning Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.
- B. Uses.** The mayor and city council may authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood, and provided that such uses are planned to assure that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located will not be permitted to occupy more than 10% of the lot area nor more than 10% of the building floor area. Where the planning commission determines that the application is consistent with Section 2.2.12 -A of this Article and with the other requirements thereof, it will enter an order authorizing development and use in accordance with the site plan and description contained in the application modified as the planning commission may require to carry out the intent and purpose of this Section and containing any conditions or restrictions which the planning commission may consider necessary to carry out the purposes of this Zoning Ordinance and to protect the public health, safety and welfare. The order must recite the reasons and findings of fact upon which it is based.
- C. Minimum lot size required.** The provisions of this Section may be applied upon application of the owner, to any lot exceeding 10 acres in size.
- D. Dimensional standards.** The owner must file a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, they must furnish such other information as the zoning administrator may reasonably require. In acting upon the application, the planning

commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits but only with approval from the mayor and city council.

E. Procedural requirements. The plan of the proposed planned unit development with any required supplementary information must be referred to the planning commission. The planning commission must report its recommendation for approval or disapproval with reasons and any additional requirements to the mayor and city council for action. The mayor and city council must hold a public hearing in the same manner and give notice thereof as required upon application for a variance. If no report is submitted by the planning commission within 30 days of referral, the mayor and city council may take action without such a report.

F. Mixed-use concurrency requirements.

- (1)** At least 20% of the total gross floor area of the completed PUD development must be devoted to residential uses and at least 20% of the total gross floor area of the completed PUD development must be devoted to non-residential uses.
- (2)** No more than 75 residential units may be issued a certificate of occupancy in a PUD development until such time as at least 20,000 gross square feet of non-residential floor area has been issued a certificate of occupancy. Any mixed-use concurrency requirements beyond the first 75 residential units may be required by conditional zoning.
- (3)** No certificate(s) of occupancy may be issued for more than 100,00 gross square feet of non-residential floor are in a PUD development until such time as a certificate of occupancy has been issued for at least 20 residential units. Any mixed-use concurrency requirements beyond the first 100,000 gross square feet may be required by conditional zoning.

Section 2.2.13 - (BMO) Blue Mile Overlay

A. Purpose. The purpose of the Blue Mile Overlay is to modify certain underlying base zoning standards so that the layout, design, and function of new development supports the corridor's growth as a vibrant, walkable, and bikeable connection between the GSU

Campus and downtown Statesboro that attracts and serves residents, students, and visitors.

B. Applicability.

- (1) This Section applies to all zoning districts within the Blue Mile Overlay.
- (2) The standards in the underlying zoning district or elsewhere in this UDC will continue to apply within this overlay, unless otherwise expressly stated in these overlay district regulations.

C. Private agreements. When a property in this overlay is subject to a private design agreement or covenant, no building permit may be approved until the applicant submits evidence demonstrating that the proposed design has been shared with the entity responsible for enforcing such private design agreement or covenant. The city will not enforce any private agreement or covenant.

D. Relief.

- (1) The zoning administrator is authorized to grant administrative variances to the requirements of this overlay.
- (2) Administrative variances may only be granted as follows:
 - (i) To permit a practice that is not consistent with a specific provision of this overlay but is justified by the purpose of the overlay in Section 2.2.13 -A;
 - (ii) Administrative variances relating to a physical element or numeric measurements must be based upon credible evidence submitted by the applicant demonstrating that approval, if granted, would not offend the purposes in Section 2.2.13 -A;
 - (iii) When there are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape, topography, or other extraordinary and exceptional situations or conditions not caused by the applicant;
 - (iv) When relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and

- (v) When the public safety, health, and welfare are secured, and that substantial justice is done.

(3) Administrative variances may not be used to:

- (i) Increase the permitted site density;
- (ii) Increase the maximum permitted number of stories in a building; or
- (iii) Permit a use that is not allowed by the overlay or the underlying zoning.

E. Uses.

(1) Permitted uses are regulated by the underlying zoning district unless a use is prohibited by Section 2.2.13 -E(2)(i), below.

(2) The following uses are prohibited:

- (i) Adult entertainment businesses.
- (ii) Junkyards.
- (iii) Automotive and allied sales and services.
- (iv) Tattoo parlors.
- (v) Vape shops.

F. Dimensional standards. Table 2.2.13-A - (BMO) Dimensional Standards provides dimensional standards applicable to the Blue Mile Overlay.

Table 2.2.13-A - (BMO) Dimensional Standards

Dimensional Standard	Requirement
Lot Area	2,000 square feet min.
Building Height	5 stories max. ⁽¹⁾
Building Coverage of Lot	70% max.
Lot Width	20 feet min.
Setbacks (for developments abutting the Creek on the Blue Mile)	0 ft. min. (all setbacks)
Setbacks (for developments not abutting the Creek on the Blue Mile)	Per the underlying zoning district

Dimensional Standard	Requirement
Amenity Space	5% of development site min. ⁽²⁾
Table Notes: (1) See Section 2.1.4 -B(2) for how stories are calculated. Rooftop decks are allowed above the top story. (2) To encourage outdoor dining, it may be counted towards amenity space requirements.	

G. Parking and loading requirements.

- (1) Required off-street parking may be located off-site anywhere in the Blue Mile Overlay District, subject to the shared and joint parking standards of Section 2.5.2 - F.
- (2) There is no off-street parking requirement for outdoor dining areas.

H. Parking garage design standards. See Section 2.5.2 -M.

I. Parking lots. Parking lots in the BMO district must meet the following standards in addition to or as modified from all other applicable standards.

- (1) **Required setback.** Parking lots must provide a minimum 20-foot setback from non-alley rights-of-way.
- (2) **Required elements within setback.** Within the required setback, the lot must provide at least one public bench, at least two bicycle parking spaces, landscaping, and hardscaping that provides a park-like or plaza-like setting.
- (3) **Interruption of setback.** This landscaped or hardscaped frontage may be interrupted only for the smallest areas required to permit vehicles to enter and/or exit the parking lot.
- (4) **Prohibited locations.** Parking lots are prohibited in the following locations:
 - (i) In front yards and corner side yards;
 - (ii) Within any yard along the Creek on the Blue Mile; and
 - (iii) Closer to either street than the principal building façade on corner lots

J. Bicycle parking. Bicycle parking, if provided, must be accessible to all building occupants and provided in a safe, accessible, well-lit, and convenient location within 50 feet of a building entrance. Bicycle parking must provide clear and maneuverable access

to a street or trail and must be located at least as close to the building entrance as the closest car parking space serving that building, except for handicapped parking spaces.

K. Active frontages.

- (1) Buildings must provide “active frontages” as follows:
 - (i) All buildings, except parking garages, shall provide active frontages on all stories abutting public streets (excluding public alleys) and the Creek on the Blue Mile.
 - (ii) Parking garages shall provide active frontages per Section 2.5.2 -M.
- (2) Active frontages shall meet the standards of Section 2.5.13 - Active Frontages.
- (3) Active frontages shall have transparent glass that faces abutting public streets and the Creek on the Blue Mile as shown in Table 2.2.13-B - (BMO) Active Frontage Standards.
- (4) Active frontages shall have pedestrian access from abutting public streets and the Creek on the Blue Mile when required in Table 2.2.13-B - (BMO) Active Frontage Standards.

Table 2.2.13-B - (BMO) Active Frontage Standards

Story	Transparent Glass	Pedestrian Access ⁽¹⁾
Ground Story -Nonresidential ⁽²⁾	Per Section 2.5.11 - Storefronts	Required
Ground Story – Residential ⁽²⁾	20% min., no max.	Required
Upper Story – All Uses	20% min., 60% max.	Not required
Table Notes: (1) Emergency doors may not be used to satisfy pedestrian access requirements. (2) When a building has more than one ground story, such as one ground story along the Creek at the Blue Mile and another along a public sidewalk, the requirement applies to the lowest story on each exterior facade.		

L. Outdoor dining.

- (1) The ground beneath at-grade outdoor dining areas may only be covered in landscape pavers, tiles, brick, concrete, terrazzo, stone (but not crushed stone), wood or composite decking, synthetic turf (but not Astroturf), or similar materials. The use of asphalt paving is prohibited.

- (2) Outdoor dining furniture must be commercial grade, as determined by the zoning administrator.
- (3) Umbrellas and other shade structures are permitted.
- (4) Sidewalk cafés within a public right-of-way must meet the following:
 - (i) Must first obtain all necessary approvals from the city;
 - (ii) May not impede the use of the right-of-way by pedestrians or otherwise present a risk to the public health, safety, and general welfare; and
 - (iii) May not be located within the Creek on the Blue Mile trail.
- (5) Except for sidewalk cafés, outdoor dining area boundaries must be defined by one or more of the following:
 - (i) A commercial grade fence, as determined by the zoning administrator;
 - (ii) Planters or other landscaping;
 - (iii) Building walls or freestanding walls;
 - (iv) Differences in hardscape surface material or colors; or
 - (v) Other design techniques that show where outdoor dining is authorized.

M. Landscaping. When an “active frontage” is not provided along and abutting public streets or the Creek on the Blue Mile, a landscaped strip, or planter with a minimum width of five feet utilizing a combination of trees, shrubs, and flowers must be provided.

N. Screening.

- (1) The following must be located only on the side or rear of a building and screened from view from the Creek on the Blue Mile, a public street, or an adjacent property:
 - (i) Loading docks and off-street loading areas;
 - (ii) Trash collection and storage areas, dumpsters, and compactors;
 - (iii) Outside storage areas for items not typically placed for display;
 - (iv) Mechanical equipment not mounted on a roof; and

- (v) Drive-through lanes and menu boards.
- (2)** Screening must meet the following:
 - (i) Screening may only be 100% opaque fences, 100% opaque walls, brick lattices, or evergreen landscaping.
 - (ii) Fences and walls used for screening must be at least one 1 foot higher than the actual height required to screen the object behind it from view.
 - (iii) Evergreen landscaping must be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.

Section 2.2.14 - (DSDA) Downtown Statesboro Development Authority Overlay

A. Intent.

- (1)** It is hereby declared to be the intent of this Section to establish design and development standards for the Downtown Statesboro Development Authority overlay, herein after called the "district." The purpose of this Section is to foster and strengthen economic vitality in the city's district while respecting and enhancing the special character of the existing development in the area.
- (2)** The district is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on- and off-street parking as well as one-household residences, medium density residential developments, and an assortment of residences turned boutique commercial uses.
- (3)** The district is especially vulnerable to intrusion from incompatible uses and physical development practices. The district is so important and significant to the city, that it justifies a special set of regulations designed to protect and enhance its character which is affected by new development. The potential to impact existing development is much less in other areas of the community than in the downtown core area, and hence the regulations outside the district area do not merit the same protection.
- (4)** The purpose of this Section is to establish requirements for building and site design for new developments and for the significant modification of existing developments within the district. This Section is intended to protect the existing character of the

downtown and encourage orderly development in accordance with the most recently adopted comprehensive plan and the Downtown Statesboro Master Plan.

(5) The following principles serve as the foundation for the Section:

- (i) Efficient use of land and services.
- (ii) A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
- (iii) Provide for community gathering places and pedestrian/visitor amenities.
- (iv) Maintain and expand a distinct storefront character for commercial properties associated with the district, specifically two- to four-story tall buildings, rectangular in mass with traditional design features.
- (v) Provide transitions to adjacent neighborhoods and commercial areas.
- (vi) Maintain and enhance the area's character through design standards.
- (vii) Protect the character of existing residential neighborhoods within the district; and
- (viii) Promote compatibility between residential and nonresidential adjacent and nearby uses.

B. Boundaries. The boundaries of the district must be approved by the mayor and city council and incorporated into the Official Zoning Map for the City of Statesboro. A copy of the Downtown District boundaries is attached hereto and incorporated herein by reference.

C. Uses.

- (1)** A building may be erected, altered, or used, and a lot may be used or occupied for any reason permissible by right within the underlying zoning district for the property within the district.
- (2)** Any alteration, change, or modification to any structure or site within the District which exceeds 50% of the fair market value of the structure or site as determined by the Bulloch County Tax Assessor is subject to the requirements of this Section.

- (3) This Section will not apply to routine maintenance, and repair of a structure or site. However, changes to exterior colors must comply with this Article.
- (4) Outdoor storage or equipment, materials, or inventory is not permitted except during construction.
- (5) Chain link and barbed wire fences are prohibited.

D. Regulation of murals.

- (1) A mural is a sign containing a noncommercial message, picture, scene, or diagram exhibited on the outside wall of a building or structure through application of paint, canvas, tile, panels or similar materials such that the wall becomes the background surface or platform for the mural. A mural is a representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the mural is displayed. A mural shall be considered a wall sign or commercial message if it contains words, logos, trademarks, or graphic representations of any person, product or service for the purpose of advertising or identifying a business. Explanatory wording relative to the artwork may be incorporated into the mural. Signatures are allowed and limited to a maximum of two square feet in size.
- (2) Murals must comply with the following standards:
 - (i) Murals must not contain text, graphics or symbols that promote or advertise a service, product or business or promote a political party or candidate.
 - (ii) No part of any mural may extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
 - (iii) No part of the mural may extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed.
 - (iv) Murals may not comprise more than 25% of a single façade of a building.
 - (v) The mural must comply with O.C.G.A. § 16-12-80 and O.C.G.A. § 36-60-3.
 - (vi) The mural must not advertise any activity deemed illegal under the laws of Georgia or the United States.

- (vii) The mural's theme should be historical in nature to the city and respect the greater context of the community.
 - (viii) The mural's colors and design must comply with these design standards and the requirements thereof.
 - (ix) Murals may be placed on commercial walls, structures, or fences only.
 - (x) Murals are restricted to commercial zones.
- (3)** The following forms of murals are prohibited:
- (i) Murals that contain elements that change, move, rotate or otherwise create a changing message or image.
 - (ii) Murals that use flashing, scrolling or internal lights.
 - (iii) Murals that contain electrical or mechanical components.
 - (iv) Murals are prohibited in residential zoning districts.

E. Site standards.

(1) Sidewalks and pedestrian areas.

- (i) Sidewalks and pedestrian areas must be provided along the public right-of-way for each property.
- (ii) Sidewalks must be a minimum of five feet wide and meet city standards and specifications.
- (iii) Sidewalks must use decorative paving that is consistent with the designs adopted by the city.
- (iv) Where adequate right-of-way exists, sidewalks and decorative paving must extend to create additional space for street crossings, gatherings, or clustering of street furniture.
- (v) Continuous internal pedestrian walkways must be provided from the public sidewalk or right-of-way to the main customer entrance of all principal buildings.

(2) Street furniture and lighting.

- (i) Lighting may be used for the following:
 - (a) To accent architectural details.
 - (b) To accent building entrances.
 - (c) To accent signs.
 - (d) To illuminate sidewalks.
 - (e) To accent tree canopy or other landscaping.
- (ii) Exterior lighting must have a low level of luminescence that casts a color similar to day time light and should not interfere with the adjacent property or automobile traffic.
- (iii) Lighting standards must meet those required by the Safe By Design Program of the City of Statesboro and must include parking areas.
- (iv) All street furniture must adhere to the specifications of and be approved in design and placement by the city.

(3) Landscaping.

- (i) All properties must adhere to the applicable provisions of Article 4.1 - Urban Forest Beautification and Conservation. Tree placement within the district must be as follows:
 - (a) Locate street trees along edges of sidewalks, maintain a clearly defined pedestrian travel zone;
 - (b) Locate trees within parking areas as required by Section 2.5.2 - Parking and Loading;
 - (c) Install new trees where walkway widths permit; and/or
 - (d) Replace trees that are diseased or have passed their life cycle.
- (ii) Parking areas must be landscaped according to the standards of Section 2.5.2 - Parking and Loading.

- (iii) Foundation landscaping along 50% of the building length is required for each building on the property, excluding any portions of buildings that directly front the public sidewalk.
- (iv) In order to protect significant trees within the district, the following will apply to any tree on the property that is greater than 20 inches in diameter, which shall be known as a heritage tree, and to any tree that is greater than 30 inches in diameter, which shall be known as a historic tree, that is located within any required setback or buffer area:
 - (a) A heritage tree which is removed must be replaced with a minimum of two four-inch caliper shade trees.
 - (b) A historic tree which is removed must be replaced with a minimum of four four-inch caliper shade trees.
 - (c) New trees used to comply with heritage and historic tree replacement requirements will not count toward the tree canopy requirements of Article 4.1 - Urban Forest Beautification and Conservation.
 - (d) No construction, grading, equipment, or material storage, or any other activity is allowed within the critical root zone of a heritage or historic tree unless the steps taken adequately ensure the tree's health.
 - (e) Heritage or historic trees must not be cut, removed, pushed over, killed, harmed, trimmed, sprayed, or destroyed without written approval of the city.
 - (f) Trees may be removed to clear lots within the district, so long as the lot remains in compliance with Article 4.1 - Urban Forest Beautification and Conservation.
- (v) Landscaped areas, including buffer and screening areas, must be maintained in good condition and kept free of dead plants, weeds, or debris.
- (vi) All planting areas must be protected from vehicle damage by the installation of curbing or other methods approved by the zoning administrator. Alternative barrier designs which provide improved infiltration, storage or storm water are strongly encouraged.

- (vii) The plant materials used in and around parking lots and adjacent to street rights-of-way and pedestrian ways must be designed to assure visibility at intersections and safety of pedestrians. Therefore, shrubs must not exceed 2 feet in height at maturity, and trees are to be pruned to at least 6 feet above ground.
- (viii) All planting areas must be stabilized with ground covers, mulches, or other approved materials to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable.
- (ix) Grassed areas must be finished with sod.
- (x) In order to provide additional safety measures to the site through environmental design, clear visibility must be maintained from the building to the street, parking areas, pedestrian walkways, and passing vehicles.

(4) Buffering and screening requirements.

- (i) Buffer and/or screenings are required in order to reduce the impact of a use of land on adjacent uses that are of a significantly different character, density, or intensity. The width of the buffer yard must be the same as the setback requirement in the applicable zoning district and all screening materials must be located within the required yard. A buffer yard may only be occupied by permitted landscaping and screening materials, underground utilities, and storm water retention areas. Buffer yards and screening are required in addition to any other landscaping requirement listed in this Section.
- (ii) The following items are permitted for use as buffering materials.
 - (a) Evergreen buffer vegetation, included in the acceptable evergreen list, meeting a minimum height of 6 feet.
 - (b) Masonry walls measuring at least 6 feet in height, but no more than 8 feet in height. Natural and painted concrete block walls are not permitted.
 - (c) A solid wood fence measuring at least 6 feet in height, but not more than 8 feet. If wood is used, only treated or rot resistant wood is acceptable. Chain-link, barbed wire, stock wire and similar type fences are not permitted.

- (d) With the approval of the zoning administrator, a developer may use any combination of the screening materials that meet the intent of this Section.

(5) Parking lots. See Section 2.5.2 - Parking and Loading.

F. Standards for improvements.

- (1) Mechanical, electrical, utility, and sanitation equipment.** Utilities must be buried within rights-of-way or easements as approved by the city.

- (2) Signage.** All property within the district is subject to the regulations for Sign District 3 or Sign District 4, as applicable within Section 2.5.3 - Signs of the UDC.

- (i) **Electronic message boards.** Electronic message boards and changeable copy - whether programmable, electronic, or manual - must be housed in stone or brick casing and must be integrated with conventional signage. The message board area of the sign shall be considered changeable copy and regulated as such by Section 2.5.3 - Signs of the UDC.

- (a) Changeable copy signs. Changeable copy signs are permitted as an integral part of any permanent signs which meet all other requirements of the UDC, and further subject to the following restrictions:
- (b) The changeable copy portion of the sign must not exceed 50% of the overall display surface area of the sign, or 20 square feet, whichever is less. Manual and electronic changeable copy fuel price digits will not be counted in the permitted changeable copy area so long as they comply with the overall area limitations for the signs on which they are placed.
- (c) The total display area of any sign containing changeable copy panels must not exceed the size limitations imposed elsewhere in this Zoning Ordinance.
- (d) Only static displays are permitted. Changes are limited to the instant replacement of unrelated text, incorporating no transitional sequence between messages, such as dissolving, fading, scrolling or other similar actions.

- (e) Messages displayed on changeable copy signs must change no more frequently than in increments of eight seconds.
- (f) Changeable copy signs will only be allowed as part of the original construction and erection of a sign which complies with the specifications required by this Article, or as part of a significant structural alteration to an existing sign, and thus being an integral part of that sign, and in the case of an existing nonconforming sign, such structural alteration, will otherwise bring the sign into compliance with the other dimensional requirements of the sign district within which it is located. Changeable copy signs which exceed the specifications contained herein and which are altered in form by the addition of structural materials to meet the requirements of this Section are not permitted.
- (g) Monotone color scheme displays are permitted.
- (ii) Signs within the district will lose their nonconforming status if they are out of service for 12 months or more.
- (iii) The color palette for the district applies to signage in the district.
- (iv) Projection signs from buildings may be allowed at no more than one square foot of sign area for each linear foot of building footage on that façade.

(3) Building orientation.

- (i) Buildings must have their primary pedestrian entrance(s) oriented to the primary street and sidewalk. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
- (ii) A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

(4) Commercial and mixed-use building design. All buildings on block faces containing one or more first story storefronts (either existing or historically existing), all buildings with commercial uses, and all mixed-use buildings must comply with the following standards:

- (i) A storefront must be provided on the first story, as specified in Section 2.5.11 - Storefronts.
- (ii) Buildings must have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
- (iii) All buildings with a flat roof must have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
- (iv) Cornices or changes in material can be used to differentiate the first story of buildings that have commercial uses from the upper floor(s) that may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets.

(5) Exterior building and roofing materials.

- (i) **Building materials.** Exterior building materials must be similar to the materials used on the existing buildings in the Downtown District when visible. Brick and stone masonry are considered compatible with wood siding.
 - (a) In circumstances where similar materials are not proposed, such as a stucco building in a row of brick structures, other characteristics such as scale and proportion, form, architectural detailing, height, color, and texture must be utilized to ensure that adequate similarity exists for the building to be considered compatible.
 - (b) Highly reflective materials, such as reflective glass, are prohibited.
 - (c) Clear glass windows must be used for commercial storefront display windows.
 - (d) Buildings must be consistently detailed on all sides. Windows and doors must be defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.
 - (e) Exposed rough or re-sawn siding and exposed, untreated concrete will not be permitted as a finished exterior. Metal siding and vinyl siding (except as accent materials) is prohibited.

- (f) Accessory structures and buildings should be similar in material and color to the primary building on the site.
- (g) If visible from a public street or adjoining residentially zoned property, all facades of buildings must use materials consistent with those used on the front of the building and should be designed with similar detailing and be comparable in quality and materials.
- (ii) Flat roofs must incorporate finished parapet walls with three-dimension cornice treatments designed to conceal the roof and roof mounted mechanical equipment.

(6) Exterior building color palette and re-roofing.

- (i) Recommended color shades will draw from the range of color shades of structures that already exist in the district.
- (ii) All wood structures and wood trim must remain painted.
- (iii) Exterior paint colors are to be chosen to blend and complement the overall scheme of the buildings that lie on the street. The selection of the paint palette should correspond to the architecture of the building and utilize a historic paint palette.
- (iv) Building trim should be painted a complementary color that is lighter or darker than the actual building color. The goal is to define the trim elements (cornices, storefront, window frames, doors, etc.) without overpowering the remainder of the building.
- (v) Use one main trim color with an option of a secondary accent color to define the details.
- (vi) Exterior colors must be chosen from the designated scheme set forth above or from those colors included in the historic collection of commonly recognized paint lines.

G. Variances. Variance applications from this Section will proceed under Section 2.7.4 - Variances and Appeals except for landscaping issues, which will proceed as variances from Article 4.1 - Urban Forest Beautification and Conservation.

ARTICLE 2.3 - COMPREHENSIVE TABLES

Section 2.3.1 - General Provisions

- A. Coordination with specific use standards.** Where a use within the comprehensive use table is included within Article 2.4 - Specific Use Standards (A-Z), any such applicable provisions shall be construed to be a condition of the use's approval.
- B. Interpretation of uses.**
 - (1) Each use type included in Table 2.3.2-A - Comprehensive Principal Use Permissions Table is defined in Chapter 5 - Definitions.
 - (2) A proposed use that is not listed below or defined elsewhere in this UDC may be authorized by the zoning administrator as a permitted use or a use that is subject to a special use permit if they determine that the proposed use is functionally the same as a defined use authorized in the same district as the subject property.
 - (3) If the zoning administrator determines that a proposed use is not functionally the same as a defined use authorized in the same district as the subject property, then the proposed use shall be deemed a prohibited use.
- C. Use interpretation criteria.** In determining the classification of a proposed use that is undefined, the zoning administrator may consider, but will not be limited to, the following criteria as applicable:
 - (1) Actual or projected characteristics of the use in relation to permitted uses within the district that includes the subject property.
 - (2) Amount of site area, floor space, and/or equipment that would be provided for the use.
 - (3) Amount of pedestrian, bicycle, and/or vehicular traffic typically associated with the use.
 - (4) Size and location of the building(s) and/or structure(s) proposed for the use.

- (5) Noise, lighting, dust, and/or odors typically associated with the use.
- (6) Number of employees on a typical shift.
- (7) Use and/or storage of hazardous materials.
- (8) Hours of operation for the use.

Section 2.3.2 - Comprehensive Principal Use Permissions

- A. Principal uses.** The use permissions in Table 2.3.2-A - Comprehensive Principal Use Permissions Table identify for each district the principal uses that are permitted by right, permitted through a special use permit, or prohibited.
- B. Accessory uses.** Accessory uses must comply with the standards of Section 2.5.1 - Accessory Uses and Structures and any other applicable standards of the UDC.
- C. Modification of use permissions.**
 - (1) An approved (BMO) Blue Mile Overlay, (DSDA) Downtown Statesboro Development Authority Overlay, or (PUD) Planned Unit Development may modify the principal use permissions in Table 2.3.2-A - Comprehensive Principal Use Permissions Table to add additional uses or restrict some uses that were otherwise permitted.
 - (2) The provisions of Section 2.4.10 - Solar Installation and Operation may modify the principal use permissions in Table 2.3.2-A - Comprehensive Principal Use Permissions Table to add additional uses.

Table 2.3.2-A - Comprehensive Principal Use Permissions Table

Use Type and Specific Standards	District Abbreviation										
	R-2	R-3	R-4	R-6	R-15	R-40	CBD	O	MX	HOC	L-I
RESIDENTIAL USES											
Accessory Dwelling Unit	●	●	●	●	●	●	●	●	●		
Cottage Court (Section 2.4.2 - Cottage Courts)		●	●	●			●		●		
Dwelling, One-Household Detached (Except for Mobile Homes and Trailers) (Section 2.4.9 - Residential Uses)	●	●	●	●	●	●					
Dwelling, One-Household (Section 2.4.9 - Residential Uses)		●	●					●			
Dwelling, Townhouse (Section 2.4.9 - Residential Uses and Section 2.4.12 - Townhouse Dwellings)	●						●		●		
Dwelling, Two-Household (Section 2.4.9 - Residential Uses)		●	●					●	●		
Dwelling, Multi-Household (Three or Four) (Section 2.4.9 - Residential Uses)		●	●				●	●	●		
Dwelling, Multi-Household (Five or More) (Section 2.4.9 - Residential Uses)			●				●	●	●		
Group Home (Section 2.4.9 - Residential Uses)				○	○				○		
Institutional Residential (Section 2.4.9 - Residential Uses)								●	●	●	
Live/Work Unit (Section 2.4.9 - Residential Uses)		●	●				●	●	●		

Use Type and Specific Standards	District Abbreviation										
	R-2	R-3	R-4	R-6	R-15	R-40	CBD	O	MX	HOC	L-I
● = Permitted ○ = Special Use Permit											
Manufactured Home Park (Section 2.4.7 -Manufactured Homes and Parks)			○								
COMMERCIAL AND OFFICE USES											
ALCOHOL-CONSUMPTION ESTABLISHMENTS											
Bars									●	●	○
Taverns							●		●	●	○
BUSINESS OR PROFESSIONAL OFFICES											
Agencies, Studios, and Associated Classrooms							●	●	●		
Banks or Credit Unions							●	●	●	●	
Newspaper Publishing or Job Printing							●		●	●	
Other Business or Professional Offices							●	●	●	●	
EATING ESTABLISHMENTS											
Eating Establishments							●		●	●	
ENTERTAINMENT ESTABLISHMENTS											
Adult Entertainment Businesses										●	
Amusement Establishments, Indoor							●		●	●	
Amusement Establishments, Outdoor										●	

Use Type and Specific Standards	District Abbreviation										
	R-2	R-3	R-4	R-6	R-15	R-40	CBD	O	MX	HOC	L-I
Event Facility							●	○	●	●	
LODGING ESTABLISHMENTS											
Lodging Establishments							●		●	●	
RETAIL ESTABLISHMENTS (NON-VEHICLE-RELATED)											
Retail Greenhouse or Nursery		●	●	●	●	●	●		●	●	
Other Retail Establishments							●		●	●	
SERVICE ESTABLISHMENTS											
Funeral Homes or Mortuaries								●	●		
Laundry or Dry-Cleaning Establishments							○		○	●	
Personal Services Facilities							●		●	●	
VEHICLE-RELATED ESTABLISHMENTS											
Automotive and Allied Sales and Services										●	●
Fuel Sales									●	●	
Parking Garage							●			●	
Parking Lot							●			●	
WHOLESALE ESTABLISHMENTS											
Wholesale Establishments							●		●	●	

Use Type and Specific Standards	District Abbreviation										
	R-2	R-3	R-4	R-6	R-15	R-40	CBD	O	MX	HOC	L-I
INDUSTRIAL USES											
Artisan Manufacturing							●	●	●	●	●
Industrial Uses, Heavy											
Industrial Uses, Light (Section 2.4.6 - Light Industrial Uses)											●
Junkyards (Section 2.4.5 - Junkyards)											○
Self-Storage Facility										●	●
Warehouse										●	●
INSTITUTIONAL USES											
EDUCATIONAL FACILITIES											
Day Care Center or Day Care, Group (Section 2.4.3 - Day Cares)							○	●	●	●	●
Educational Facilities		●	●	●	○	●	●	●	●	●	
HEALTH CARE FACILITIES											
Clinics and Medical Offices								●	●	●	
Hospitals								●	●	●	
MUNICIPAL, COUNTY, STATE, OR FEDERAL USES											
Correctional or Penal Institutions											

Use Type and Specific Standards	District Abbreviation										
	R-2	R-3	R-4	R-6	R-15	R-40	CBD	O	MX	HOC	L-I
Sanitary Landfills											
Other Municipal, County, State, or Federal Uses		●	●	●	●	●	●	●	●	●	●
PUBLIC ASSEMBLY FACILITIES											
Religious or Philanthropic Institutions		●	●	●	○	●	●	●	●	●	
Social Lodges or Clubs								●	●		
PUBLIC UTILITY FACILITIES											
Public Utility Facilities		●	●	●	●	●		●			
Solar Energy System (SES)	(See Section 2.4.10 - Solar Installation and Operation)										
AGRICULTURAL AND RECREATIONAL USES											
Agriculture Uses											●
Playgrounds, Parks, and Other Recreational Uses		●	●	●	●	●			●		

Section 2.3.3 - Comprehensive Dimensional Standards

- A. Applicability.** The standards of Table 2.3.3-A - Comprehensive Dimensional Standards Table apply to each lot and all buildings on each lot within the specified district, zone, or overlay unless otherwise expressly provided in the UDC.
- B. Measurements.** Measurements shall be determined per Section 2.1.4 - Rules of Measurement.
- C. Modification to building coverage of lot requirements.** Maximum building coverage of lot standards may be modified by the provisions of Section 2.5.6 - Historic Preservation Incentives, where applicable.
- D. Modification of front yard setback requirements.** The following provisions apply to the R-3, R-4, R-6, and R-15 districts:
 - (1)** Where 40% or more of the lots on the same side of a street between two intersecting streets are developed with buildings that have (with a variation of 10 feet or less) a front yard greater or lesser in depth than required, new buildings must not be erected closer to the street than the average front yard established by the existing buildings. (See Figure 2.3.3-A - Average Front Yard Setback Modification #1.)

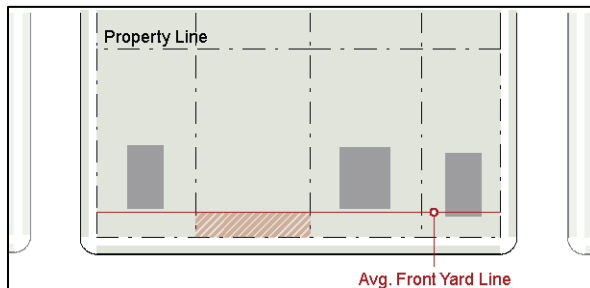


Figure 2.3.3-A - Average Front Yard Setback Modification #1

- (2)** Where 40% or more of the lots on one side of a street between two intersecting streets are developed but do not have a front yard as described above, then:

- (i) Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings; (See Figure 2.3.3-B - Average Front Yard Setback Requirement Modification #2.) or
- (ii) Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, the building may be erected as close to the street as the existing adjacent building. (See Figure 2.3.3-B - Average Front Yard Setback Requirement Modification #2.)

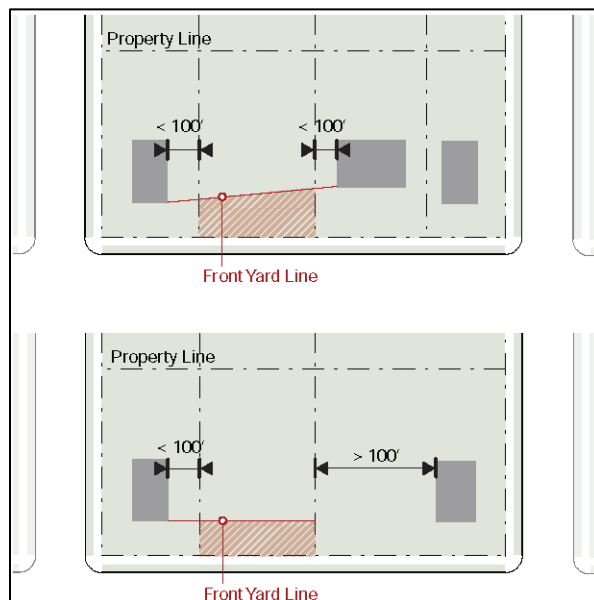


Figure 2.3.3-B - Average Front Yard Setback Requirement Modification #2

- E. Reduction of lot area.** No lot, even though it may consist of one or more adjacent lots of record, may be reduced in size so that the lot width or depth, front, side, or rear yard, lot area per household, or other requirements of this Zoning Ordinance are

not maintained. This standard will not apply to any portions of a lot that are impacted by the expansion of a public right-of-way or by the acquisition of part of the lot for public purposes.

- F. Minimum space between buildings.** For multiple dwellings, the open space between buildings measured at the closest point must not be less than 20 feet for one-story buildings and must not be less than 30 feet when one or both are two-or-more-story buildings.
- G. Principal building standards.**
 - (1) Number of principal buildings on a lot.** Except for cottage courts (as regulated by Section 2.4.2 - Cottage Courts), only one principal building and its customary accessory buildings may hereafter be erected on any lot. More than one multiple dwelling or institutional, commercial, or industrial building may be located upon a lot or tract in districts other than R-3 or R-15, but such buildings must not encroach upon the front, side, and rear yards required by the district regulations.
 - (2) Frontage required.** No principal building may be erected on any lot which does not have immediate frontage along a courtyard or along an open and dedicated public street or road.

Table 2.3.3-A - Comprehensive Dimensional Standards Table

District	Dimensional Standards ⁽¹⁾							
	Minimum Lot Area	Maximum Building Height	Maximum Lot Building Coverage	Minimum Lot Width	Minimum Front Yard Setback ⁽⁵⁾	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Amenity Space
R-2 ⁽²⁾⁽³⁾	12,000 square feet	Principal: 35 feet Accessory: 25 feet	40%	70 feet	20 feet	10 feet for each side setback	20 feet	<i>Development 5 acres or more: 10% Development less than 5 acres: 5%</i>
	ADDITIONAL DIMENSIONAL STANDARDS							
	Maximum density of 12 units per acre							
R-3 ⁽⁴⁾	6,000 square feet	35 feet	50%	50 feet	20 feet	6 feet for each side setback	20 feet	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>
	ADDITIONAL DIMENSIONAL STANDARDS							
	Minimum lot area may be reduced by up to 10% to provide for playground area and open space upon approval by the mayor and city council							

District	Dimensional Standards ⁽¹⁾							
	Minimum Lot Area	Maximum Building Height	Maximum Lot Building Coverage	Minimum Lot Width	Minimum Front Yard Setback ⁽⁵⁾	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Amenity Space
R-4 ⁽⁴⁾	N/A	35 feet	50%	N/A	20 feet	20 feet from abutting residential district; 10 feet from all other districts	20 feet from abutting residential district; 10 feet from all other districts	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>
	ADDITIONAL DIMENSIONAL STANDARDS							
	Maximum density of 12 units per acre may be permitted by right; a density greater than 12 units per acre may only be allowed by approval of a special use permit per Section 2.7.5 - Special Use Permits							
R-6 ⁽⁴⁾	6,000 square feet	35 feet	45%	60 feet	20 feet	8 feet for each side setback	20 feet	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>

District	Dimensional Standards ⁽¹⁾							
	Minimum Lot Area	Maximum Building Height	Maximum Lot Building Coverage	Minimum Lot Width	Minimum Front Yard Setback ⁽⁵⁾	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Amenity Space
R-15	15,000 square feet	35 feet	25%	80 feet	25 feet	25 feet total; 10 feet for each side setback	25 feet	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>
R-40	40,000 square feet	35 feet	25%	60 feet	50 feet	40 feet total; 15 feet for each side setback	50 feet	<i>Development with 30 or more units: 10% Development with less than 30 units: N/A</i>
CBD	N/A	45 feet ⁽⁶⁾	N/A	N/A	N/A	N/A	N/A	N/A
O	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	ADDITIONAL DIMENSIONAL STANDARDS							
Minimum regulations are based on adjoining or nearest residential zone (if two such zones are present, the least restrictive applies); 20-foot minimum setback between separate buildings								

District	Dimensional Standards ⁽¹⁾							
	Minimum Lot Area	Maximum Building Height	Maximum Lot Building Coverage	Minimum Lot Width	Minimum Front Yard Setback ⁽⁵⁾	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Amenity Space
MX	N/A	65 feet ⁽⁷⁾	N/A	N/A	0 feet	5 feet	5 feet	5% of total development site ⁽⁸⁾
	ADDITIONAL DIMENSIONAL STANDARDS							
	Maximum front yard setback of 10 feet							
HOC	20,000 square feet	45 feet ⁽⁹⁾	30%	100 feet for interior lots; 75 feet for corner lots	60 feet generally; 20 feet if no front yard parking is provided	20 feet	20 feet	N/A
	ADDITIONAL DIMENSIONAL STANDARDS							
	50-foot minimum setback from any HOC property line abutting a CBD district, an O district, or any residential district; a parking lot must not be less than 20 feet from a street line or district boundary; 20-foot minimum setback between separate buildings							

District	Dimensional Standards ⁽¹⁾							
	Minimum Lot Area	Maximum Building Height	Maximum Lot Building Coverage	Minimum Lot Width	Minimum Front Yard Setback ⁽⁵⁾	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Amenity Space
L-I	N/A	35 feet ⁽⁹⁾	40%	N/A	60 feet generally; 20 feet if no front yard parking is provided	60 feet total; 15 feet for each side setback	20 feet	N/A
	ADDITIONAL DIMENSIONAL STANDARDS							
	200-foot minimum setback required between structures and any residential district; 100-foot minimum setback required between parking areas and any residential district; 100-foot (minimum width) buffer area with landscaping required along L-I property lines that abut a residential district							
PUD	See Section 2.2.12 - (PUD) Planned Unit Development District Overlay							
BMO	2,000 square feet	5 stories ⁽¹⁰⁾	70%	20 feet	0 feet	0 feet	0 feet	5% of total development site ⁽⁸⁾
DSDA	See base district	4 stories	See base district	See base district	See base district	See base district	See base district	See base district

Table Notes:

- (1) Parking lots, parking garages, accessory uses, and accessory structures shall be subject to any additional dimensional standards provided for each district in Article 2.2 - Zoning Districts.
- (2) Dimensional standards for townhouse dwellings shall be based upon the overall development site, not each individual townhouse lot. The standards in [Section 2.4.12 -Townhouse Dwellings](#) may modify otherwise applicable dimensional standards for townhouse developments.
- (3) One-household detached dwellings must meet the lot area, building coverage, building height, lot width, and setbacks standards of the R-6 district.
- (4) Cottage courts must conform to [Section 2.4.2 - Cottage Courts](#)
- (5) Applicable minimum front yard setback requirements in the O, MX, HOC, and L-I districts and the BMO and DSDA overlays may be reduced to match the shortest front yard setback of a primary structure on an abutting property within the same district.

- (6) Height may be increased up to 65 feet for buildings containing residential mixed uses.
- (7) Buildings where the entire ground floor is occupied by commercial and office uses may have an increased height of 75 feet.
- (8) To encourage outdoor dining, it may be counted towards amenity space requirements.
- (9) Maximum height may be increased by grant of special exception by the mayor and city council with a condition that each additional foot of height adds an additional foot to all minimum setback requirements for the following districts: HOC and L-I.
- (10) See Section 2.1.4 -B(2) for how stories are calculated. Rooftop decks are allowed above the top story.

ARTICLE 2.4 - SPECIFIC USE STANDARDS (A-Z)

Section 2.4.1 - Accessory Dwelling Units

- A. Attached and detached units.** Accessory dwelling units may be permitted as attached to the principal building or detached from the principal building in a separate building on the same lot, subject to all applicable standards including the dimensional standards in Table 2.3.3-A - Comprehensive Dimensional Standards Table.
- B. Maximum floor area.** Each accessory dwelling unit must be no larger than 750 square feet.

Section 2.4.2 - Cottage Courts

- A. Applicability.**
 - (1)** Where permitted, all cottage courts must comply with the standards of this Section.
 - (2)** Any structures situated near or along the outermost boundaries of the cottage court development shall be subject to the minimum setback requirements that apply to the underlying zoning district. These boundary setback requirements are applied to the outermost boundaries of the cottage court as though the cottage court were one single parcel, with front, side, and/or rear setbacks applied across the collective outermost property lines that meet the definitions of front, side, and/or rear lot lines, respectively.
 - (3)** The dimensional standards of the underlying district apply to all structures within the cottage court development except as expressly modified below.
- B. R-6 district restrictions.** The following restrictions apply to cottage courts in the R-6 district:
 - (1)** Up to one cottage court may be permitted by-right within a given block face.
 - (2)** After the first cottage court permitted within a given block face, additional cottage courts within the same block face may only be permitted by approval of a special use permit per Section 2.7.5 - Special Use Permits.

- C. Central courtyard requirements.** The central courtyard of a cottage court must not include parking spaces or driveways but must be designed to provide emergency responder access, as shown in Figure 2.4.2-A - Example Cottage Court.

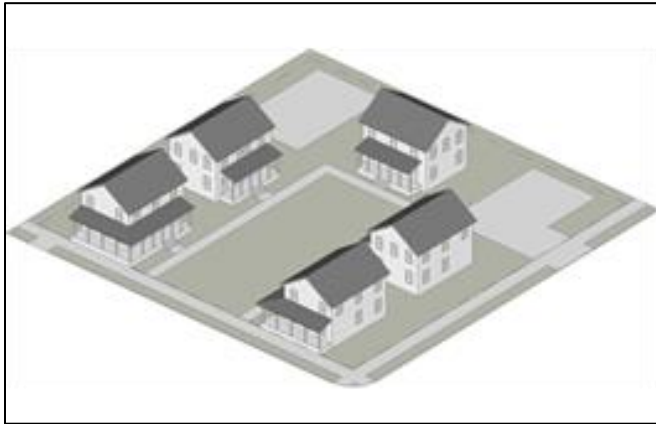


Figure 2.4.2-A - Example Cottage Court

- D. Dimensional standards table modifies conflicting standards.** The requirements of Table 2.4.2-A - Cottage Court Dimensional Standards modify any conflicting standards for buildings developed as part of a cottage court.
- E. Pedestrian access and entrances.**
- (1) Pedestrian entrance facing the street.** The dwelling unit closest to the non-alley right-of-way must provide a pedestrian entrance that directly faces the street. Where two or more dwelling units provide an equal front yard setback and are the dwellings on the lot that are closest to the front lot line, all such dwelling units must provide a pedestrian entrance that directly faces the street.
 - (2) Sidewalks.** Sidewalks provided in a cottage courtyard development must be a minimum of 3 feet wide and a maximum of 6 feet wide. This provision will not be construed to limit the size of patios.
 - (3) Porch or stoop required.** Regardless of the orientation, each dwelling unit within a cottage courtyard must provide at least one pedestrian entrance with a porch or stoop per porch standards or stoop standards provided in Section 2.4.9 -F.

Table 2.4.2-A - Cottage Court Dimensional Standards

Cottage Court Dimensional Standards	
Type of Standard	Requirement
SITE REQUIREMENTS	
Total Site Area	6,000 square feet (min.)
Units per Courtyard	3 min.; 9 max.
COURTYARD REQUIREMENTS	
Central Courtyard Area	1,500 square feet (min.)
Central Courtyard Width	20 feet (min.)
DWELLING UNIT REQUIREMENTS	
Dwelling Unit Floor Area	1,500 square feet (max.)
Lot Size	800 square feet (min.)
Setback from Lot Lines Interior to Cottage Court	3 feet (min.)
Table Notes: [Reserved]	

Section 2.4.3 - Day Cares

A. Regulations and prohibitions.

- (1) If the group day care is proposed to be in a building also occupied as a residential dwelling, the mayor and city council will consider the following minimum conditions as part of their decision in granting or denying the request only as special use permit:
 - (i) The premises on which the child care use is established must have access on a thoroughfare adequate for traffic.
 - (ii) The child care facility must contain not less than 30 square feet of indoor play area for each child at maximum enrollment and not less than 100 square feet per child of outdoor play area at maximum enrollment.
 - (iii) The outdoor play areas must be fenced with fencing not less than 4 feet in height.

- (iv) The premises must contain adequate off-street loading and unloading.
- (v) In premises also occupied as a dwelling, the day care portion of the dwelling may not occupy over 25% of the heated square footage of the dwelling.
- (vi) All signs must comply with the applicable standards of this Zoning Ordinance.
- (vii) Off-street parking for employees must be provided at the rate of one and one-half parking spaces per employee.
- (viii) The applicant must provide a site plan indicating parking, pick-up and drop-off points, and playground area.
- (ix) Any other conditions that the mayor and city council may deem necessary to promote the health, safety, and welfare of the neighborhood.

B. Licenses.

- (1) Applicants herein must produce the appropriate license issued by the appropriate state agency as a part of their application process with the city.
- (2) Any establishment operating at the time of the adoption of this Article that does not have the appropriate licenses will not be grandfathered.

Section 2.4.4 - Home Occupations

A. Accessory use. Home occupations may be permitted as an accessory use to any legally established dwelling unit subject to the standards of this Section.

B. General provisions. The following provisions apply to home occupations:

- (1) The occupation carried on within the dwelling unit is restricted to the heated floor space of the dwelling, may involve the sale of only those articles, products or services produced on the premises, must not occupy in excess of 25% of the heated floor space within the structure, must be conducted entirely within the dwelling by members of the household in residence and a maximum of one additional employee and must be clearly secondary to the dwelling for dwelling purposes.
- (2) There may be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business, or profession.

- (3) There may be no signs except for a small four-square-foot property identification sign linking the property to the home occupation.
 - (4) There may be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the lot line or beyond.
 - (5) There may be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.
 - (6) No on-street parking for business-related vehicles may be permitted at any time. No business vehicle larger than a van, panel truck or pickup truck may be permitted to park overnight on the premises.
 - (7) Any business, occupation or profession, the operation of which does not meet the requirements of a home occupation, will not be interpreted to be a home occupation even though it might attempt to operate in a residence.
 - (8) The above-listed requirements of a home occupation will not be construed to restrict sale of garden produce grown on the premises, provided this exception will not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
- C. Prohibited types of home occupations.** Beauty salons, barbershops, doctors' offices, dentists' offices, antique sales, and similar businesses will not be classified or permitted as home occupations.
- D. Permitted types of home occupations.** The following uses are allowable as types of home occupations (not all-inclusive):
- (1) Child care, with not more than six children at a time.
 - (2) Tutoring of all types, limited to not more than four pupils at one time.
 - (3) Arts and crafts.
 - (4) Small appliance repair.
 - (5) Contractor offices (i.e. painting, cleaning, yard maintenance, building) but not including storage of equipment, materials, or vehicles.
 - (6) Professional services (i.e. attorneys, accountants, realtors, insurance agents).

- (7) Upholstery.
- (8) Alterations.
- (9) Chimney cleaning.
- (10) Home marketing (i.e. Amway, Mary Kay, Tupperware, etc.).
- (11) Musician and artist.
- (12) Other similar uses as approved by the zoning administrator.

Section 2.4.5 - Junkyards

A. Minimum land area.

- (1) The minimum land area for a junkyard use is five acres.
- (2) The mayor and city council upon recommendation of the zoning administrator may authorize a licensed junkyard to maintain less area if all other provisions of the UDC are observed, a smaller area best serves the public interest, and the junkyard contains not less than one acre.

- B. Storage restrictions.** No junkyard use or associated used parts dealer may store more than 50 automobile bodies per net storage acre. As used herein, “net storage acre” is 75% of an acre, provided that the formula for determining maximum storage density to individual junkyards is: Maximum Storage Density = (A) x .75 x 50 (automobile bodies); (A) = Total contingent acreage.

Section 2.4.6 - Light Industrial Uses

- A. Applicability.** Light industrial uses are those uses defined as industrial that consistently meet all the standards of this Section as applicable to the equipment, products, processes, and related elements of the use.
- B. Air quality control.**
- (1) No person owning, leasing, or controlling the operation of any air contaminant sources may willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow emission from said air contamination, source or sources of such quantities of air contamination as

will cause, or tend to cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.

- (2) Release of air contaminant(s) including particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combination thereof shall be governed by [Subject 391-3-1 “Air Quality Control”](#) of the Rules and Regulations of the State of Georgia, however, in cases where the aforementioned regulations are in conflict with ordinances of the city, the regulations allowing the least emission of air contaminants to the atmosphere will prevail.

C. Control of dust and dirt, fly ash, and fumes, vapors, and gases.

- (1) No emission may be made which can cause any danger to health to animals or vegetation or other forms of property, or which can cause excessive soiling at any point.
- (2) No emission of liquid or solid particles from any chimney may exceed 0.3 grains per cubic foot of the covering gas at any point.
- (3) For measurement of the number of particles in gases resulting from combustion, standard correction must be applied to a stack temperature of 500 degrees Fahrenheit and 50% excess air.

D. Control of noise. At no point on the boundary of a residential or commercial district may the sound pressure level of any operation exceed the described levels in the octave bands shown below for the districts indicated:

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels	
	Along Residential District Boundaries	At any other point on the Lot Boundary
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1,200	46	53
1,200 to 2,400	40	47

2,400 to 4,800	34	41
Above 4,800	32	39

- E. Control of odors.** There may be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors must be provided with a secondary safeguard system, so that control is maintained if the primary safeguard system fails. There is hereby established as a guide in determining such quantities of offensive odors table 111 (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemist's Association, Inc., Washington, D.C.
- F. Control of glare or heat.** Any operation producing intense glare or heat must be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.
- G. Control of vibration.** No vibration which is discernible to the human sense of feeling may be perceptible without instruments at any point beyond the lot line.
- H. Control of radioactivity or electrical disturbances.** There may be no activities which emit dangerous or harmful radioactivity. There may be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.
- I. Outdoor storage and waste disposal.**
 - (1)** No flammable or explosive liquids, solid, or gases may be stored in bulk above ground; provided however, that tanks or drums of fuel directly connecting with energy devices heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
 - (2)** All outdoor storage facilities for fuel, raw materials and products and all fuel; and all raw materials and products stored outdoors must be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
 - (3)** No materials or wastes may be deposited upon a lot in such form or manner that they may be transferred off the lot by natural cause or forces.

(4) All material or waste that might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects may be stored outdoors only in closed containers.

J. Electric, diesel, gas, or other power. Every use requiring power must be so operated that the service lines, substation, etc., must conform to the most acceptable safety requirements, and must be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties must be concealed by coniferous planting.

K. Industrial waste or sewage. No use may be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as approved by sanitary engineers or other qualified persons employed by the city at the expense of the owner of the premises.

Section 2.4.7 - Manufactured Homes and Parks

A. Purpose. The purpose of this Section is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturers' requirements; that manufactured homes are architecturally compatible with one-household dwellings and other land uses in the city currently and consistent with the mayor and city council's vision for future development in the city; and that pre-owned manufactured homes are in a safe and sound condition when they are relocated into the city.

B. Installation permit and certificate of occupancy required.

(1) No manufactured home shall be installed on any site without first obtaining an installation permit. An installation permit shall not be issued unless the chief building official determines that:

(i) The site meets the requirements of this UDC for the location of manufactured housing;

(ii) The manufactured home complies with federal and state requirements applicable to manufactured housing; and

(iii) The manufactured home, once installed, will comply with the provisions of this Section.

- (2) No manufactured home shall be occupied without a certificate of occupancy. The chief building official shall not issue a certificate of occupancy for a manufactured home unless it has been installed in compliance with federal and state laws and regulations, manufacturers' instructions, and unless it is in conformity with all the provisions of this Section.
- (3) The minimum square footage of the manufactured home shall comply with the minimum square footage required for other dwelling units in the applicable zoning district.
- (4) Where a special use permit is requested for a manufactured home park, in addition to the usual standards for special use permits, the mayor and city council must consider whether the manufactured home park will negatively affect the use, development, or value of surrounding properties.

C. Installation requirements.

- (1) **Hauling mechanisms removed.** The transportation mechanisms, including wheels, axles, and hitch, must be removed before occupancy.
- (2) **Installation regulations.** The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.
- (3) **Approved septic system.** Each manufactured home shall be connected to a public sanitary sewer system, community sewerage system, or on-site septic system with capacity available as approved by the health officer.
- (4) **Foundation.** The manufactured home shall be placed on a permanent foundation.
- (5) **Masonry skirting.** The entire perimeter area between the bottom of the structure of each manufactured home and the ground, including stairways, shall be underpinned with masonry that completely encloses the perimeter of the undercarriage and attached stairways except for proper ventilation and access openings.
- (6) **Roof pitch and materials.** The manufactured home shall have a pitched roof with a slope of at least four (4) feet in height for each twelve (12) feet in width, except in the R-4 zoning district, in which the minimum pitch shall be three (3) feet in height for every twelve (12) feet in width. Roof materials shall be wood shake, tile, or asphalt shingle material.

- (7) Covered porch.** A covered porch or deck shall be provided facing the front yard or street before occupancy, with a ten-foot minimum depth and a minimum of twenty (20) feet in length.
- (8) Additional architectural features.** The manufactured home shall contain eaves with a minimum projection of six (6) inches, window shutters, and at least one (1) additional architectural feature such as dormers, bay windows, or another architectural feature that will provide equal compatibility with surrounding residences and land uses, as approved by the chief building official.

D. Legal nonconforming manufactured homes. Legal nonconforming manufactured homes existing before the date of the ordinance from which this UDC is derived may remain in use without complying with this Section; however, whenever a legal nonconforming manufactured home is replaced with a manufactured home, the replacement home shall comply with this UDC. Whenever a nonconforming manufactured home falls into such a state of disrepair that the certificate of occupancy is revoked, in order for a certification of occupancy to be reissued, the manufactured home shall be brought into compliance with this Section.

E. Mobile homes. No mobile homes, defined as units constructed before June 15, 1976, are allowed within the city. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et seq. shall be permitted to be installed or relocated within the jurisdiction. Pre-owned manufactured homes relocated into or within Statesboro, Georgia, must comply with the provisions of this Section.

F. Pre-owned manufactured homes. In addition to the other requirements of this Section, the relocation and installation of pre-owned manufactured homes shall be subject to the following health and safety standards and conditions and inspection program:

(1) Relocation permit. A permit is required to locate a pre-owned manufactured home in the jurisdiction. To obtain a relocation permit, applicants shall provide to the chief building official:

- (i) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Section;

- (ii) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that the home meets the minimum health and safety standards of this Section; and
 - (iii) The permit and inspection fee required by Subsection (4), below.
- (2) Inspection.** Upon receipt of a relocation permit, applicants may relocate the manufactured home onto a residential site of the proper zoning classification for the purposes of inspection. Applicant shall arrange for an inspection to be held before the installation of the manufactured home. At such time as the chief building official certifies that the manufactured home meets the requirements of this Section, applicants may install the manufactured home in accordance with the requirements of this Section.
- (3) Certificate of occupancy.** A certificate of occupancy shall be issued to the applicant after installation and at such time that the chief building official certifies that the requirements of this Section have been met.
- (4) Fee.** A permit and inspection fee in an amount set by the mayor and city council shall be charged to the applicant to cover the cost to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one (1) follow-up inspection. The applicant shall be charged an additional amount set by the mayor and city council for each additional follow-up inspection that may be necessary.
- (5) Alternative inspection.** At the request of the applicant, the chief building official may, at their discretion, inspect a pre-owned manufactured home before its being relocated if the home is then located at another site within Statesboro or within a convenient distance of the city. In the event that the chief building official travels outside of Statesboro to inspect a pre-owned manufactured home, applicant shall pay mileage at the then-applicable federal reimbursement rate from the office of the chief building official, to the site of the inspection, and back to the office of the chief building official.
- (6) Rehabilitation.** At the request of the applicant, and where the chief building official finds that rehabilitation of a pre-owned manufactured home that does not meet the health and safety standard of this Section can be accomplished in a reasonably

short period of time and without causing any detriment to the neighborhood where the pre-owned manufactured home shall be relocated in the city, the chief building official may issue the relocation permit and delay inspection for a period of up to 45 days to allow for rehabilitation after the pre-owned manufactured home has been relocated into the city. The chief building official shall not grant such request unless the applicant presents satisfactory evidence of a feasible rehabilitation plan. The pre-owned manufactured home shall not be connected to utilities until the inspection is performed and a certificate of occupancy is issued.

G. Minimum health and safety standards. All pre-owned manufactured homes shall comply with the following health and safety standards before being issued a certificate of occupancy by the chief building official:

- (1) HUD Code.** Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
- (2) Interior condition.** Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- (3) Exterior condition.** The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- (4) Sanitary facilities.** Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one (1) bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

- (5) **Heating systems.** Heating shall be safe and in working condition. Un-vented heaters are prohibited.
- (6) **Electrical systems.** Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.
- (7) **Hot water supply.** Each home shall contain a water heater in safe and working condition.
- (8) **Egress windows.** Each bedroom of a manufactured home shall have at least one (1) operable window of sufficient size to allow egress if necessary, which shall have a net clear opening that is a minimum of five (5) square feet in area, twenty-four (24) inches in height, and twenty (20) inches in width. The opening shall have a sill height of not more than forty-four (44) inches above the floor. The opening shall be operational from the inside of the room without the use of keys, tools, or special knowledge.
- (9) **Ventilation.** The kitchen in the home shall have at least one (1) operating window or other ventilation device.
- (10) **Smoke detectors.** Each pre-owned manufactured home shall contain one (1) operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturers' recommendations.
- (11) **State law and regulations.** Each pre-owned manufactured home shall be installed in compliance with the requirements of Georgia law, O.C.G.A. § 8-2-160 et seq., and the rules and regulations adopted pursuant to that law, as they may be amended from time to time.

H. Enforcement.

- (1) Permanent connection to utilities shall not be approved until the chief building official has issued a certificate of occupancy.

- (2) Owners of pre-owned manufactured homes that are not in compliance with this Section upon a third inspection shall have their permit revoked and must remove the home from the jurisdiction at their own expense.
- (3) Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of one hundred dollars (\$100.00). Each day any violation under this Section continues shall be considered a separate offense.

I. Parks for manufactured homes, mobile homes, or modular homes. Manufactured home parks shall comply with the following requirements:

- (1) A site plan shall be prepared and approved by the mayor and city council before development or expansion. The site plan shall be prepared by an architect, engineer, land surveyor or landscape architect, who currently holds state registration in Georgia and whose seal shall be affixed to the plan. Four copies of the site plan shall be submitted at a scale not to exceed one inch equals 100 feet, showing:
 - (i) The name and address of the applicant.
 - (ii) The location and legal description of the park.
 - (iii) The area and exterior dimensions of the proposed park.
 - (iv) The layout of interior streets and driveways referenced to exterior thoroughfares. Right-of-way pavement widths shall be depicted.
 - (v) The location of all dwelling pads.
 - (vi) The proposed location of all utility lines, easements, and fire hydrants.
 - (vii) A preliminary drainage plan prepared and stamped by a professional engineer registered in the State of Georgia.
 - (viii) The location and dimensions of all buffers, recreation areas, office structures and support facilities.
- (2) The minimum area for a park shall be five contiguous acres. Each mobile home park shall have a minimum frontage of 150 feet on a street having minimum classification

of major collector. The park shall be connected to and utilize the city sanitary system for water and sewage, if available; however, if unavailable, any septic or other individual waste disposal methods used by the park must have approval by the Bulloch County Health Department and the City of Statesboro.

- (3) The maximum overall park density shall not exceed seven units per gross acre.
- (4) Each individual dwelling pad shall be clearly delineated and shall abut a paved street of not less than 22 feet in width.
- (5) Each mobile home space shall contain a minimum of 6,000 square feet.
- (6) Minimum setback and locational requirements for dwelling pads shall be as follows:
 - (i) Front yard—20 feet except when adjacent to a city or state street, in which case front yard setback shall be 50 feet.
 - (ii) Side yards—20 feet on each side of the dwelling.
 - (iii) Rear yard—20 feet.
 - (iv) No mobile home shall be located closer than 25 feet to any permanent principal structure.
 - (v) No mobile home shall be located closer than 25 feet to any park property boundary.
 - (vi) No additions shall be made to a dwelling that will violate setback requirements.
 - (vii) All dwelling spaces shall be served by an all-weather surface walkway of not less than 2 feet in width.
 - (viii) All driveways and walkways shall be illuminated at night by not less than 25-watt fixtures spaced not more than 100 feet apart.
- (7) Each dwelling unit shall be installed on a concrete block foundation, of which the base block shall be solid and equal in size to the pier block size (a minimum of 8 inches by 8 inches by 16 inches). Top course of said parts of foundation shall be a solid cap block with a minimum dimension of 4 inches by 8 inches by 16 inches. The dwelling unit shall be installed true and plumb.

- (8) All streets and driveways shall be laid out and paved and shall have a minimum pavement width of 22 feet.
- (9) All structures within the park shall comply with State rules and regulations pertaining to the installation of manufactured homes, as they may be amended from time to time.
- (10) All private streets or driveways within the park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least 5,000 lumens, and the light poles shall be not more than 250 feet apart.
- (11) No dwelling unit shall be admitted to any park unless it can be demonstrated that it meets the State of Georgia and federal mobile home, manufactured home and modular home standards and requirements.
- (12) The following utilities are required:
 - (i) An electrical outlet supplying both 60 and 150 amperes of service shall be provided for each dwelling space. All such outlets shall be weather proof, and installations shall meet the requirements of the National Electrical Code.
 - (ii) An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and dwelling lots within the park. Each dwelling stand shall be provided with an approved cold-water connection and a tap, constructed in accordance with the plumbing standards adopted by the city.
 - (iii) Approved fire hydrants with isolation value shall be located at least every 500 feet and at every intersection or as designated by fire officials of the city.
 - (iv) Waste from shower, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public or private sewer and disposal plant or septic tank system of such construction and in such manner as will meet with the approval of the Bulloch County Health Department and the city.
 - (v) Each dwelling space shall be provided with a trapped sewer at least 4 inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home harbored in such dwelling space. The trapped sewer in each space shall be connected to

discharge the dwelling waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will meet with approval of the Bulloch County Health and the city.

(13) The following conditions regarding sanitation shall be complied with:

- (i) The area around and underneath each dwelling unit shall be kept clean and free from collections of refuse, rubbish, glass bottles, or other unsightly material.
- (ii) Each dwelling space shall be provided with an approved metal garbage container with a tight-fitting cover. The container shall be kept in a sanitary condition and shall be stored at least 3 inches off the ground, preferably on a metal rack or hanger for such purpose. Waste shall be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to ensure that the garbage containers shall not overflow. With the approval of the chief building official the use of a central garbage collection system may be permitted as an alternative.
- (iii) Each dwelling shall be provided with sanitary sewage lateral of at least 4 inches in diameter, which shall be fitted with accessible connections to receive waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the dwelling stand and shall be connected to discharge the waste into a sewer system which meets the health requirements of the State of Georgia and the City of Statesboro, Georgia.
- (iv) The sewage laterals shall be made of approved semi-rigid four-inch SDR 35 PVC sewer pipe. While a dwelling stand is unoccupied or the drain not in use, the sewer opening shall be closed with an approved closure plug or cap.
- (v) No park shall be served by a privy.
- (vi) Every park shall always be equipped with fire equipment in good working order and of such type, size, number, and location as to satisfy applicable fire regulations of the city. No open fires or burning of leaves or other refuse shall be permitted within the boundaries of the park.

- (14)** A minimum of 10% of the gross acreage of the park shall be set aside for recreational use by residents of the park, and maintained by the park owner, transferee, or assign. Said recreational park shall be one contiguous tract or several tracts each no smaller than one-half acre and located within the mobile home park in such manner as to be convenient to all its residents. The recreational park shall be located on land suitable for park development and shall contain sufficient play equipment designed for pre-school and elementary school age children.
- (15)** Planted buffers shall be required and shall be installed as follows:
- (i) Parks shall be surrounded by planted buffers at least 15 feet in depth on the sides and rear and 25 feet in depth along the front of any structure contained therein, provided, however, that no side and rear buffer is required between adjacent developments.
 - (ii) The buffer shall be densely planted with shrubs and/or trees at least 3 feet high at the time and of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least 6 feet within three years. A site plan identifying all plants to be incorporated in the buffer strip must be approved by the mayor and city council before any site construction. The mayor and city council may require additional planting to acquire a uniform buffer strip.
 - (iii) Such screenings shall be erected and maintained by the owners of the park property.
- (16)** Dwellings shall not be elevated higher than 3 feet from the ground at any point.
- (17)** Coin-operated laundries for the use of the residents of the park shall be permitted within enclosed buildings inside the park. Building structures containing said laundries may also contain vending machines and recreational rooms and activities. More intensive commercial uses than these specified herein are strictly prohibited.
- (18)** The regulations governing parks prescribed by the Health Department, as well as other city or state regulations, shall be complied with.
- (19)** Before the dedication of any street, water or sewer line or system, or other utility within any park shall be accepted by the city, said facility, work or utility must be

manufactured and installed in compliance with all then existing specifications and standards of the city. Further, the owner of the property making the dedication will issue a one-year warranty and indemnification for all design, materials, workmanship, and equipment associated with the dedication.

- (20) Before any park for mobile homes, manufactured homes or modular homes which is in existence at the time of the enactment of this Section may subsequently expand the limits of the existing park or substantially alter the internal design of the existing park, the existing park must be brought into compliance with all requirements for parks for mobile homes, manufactured homes or modular homes established by this Section and UDC.

J. Nonconforming manufactured home parks. Nonconforming manufactured home parks legally established before the adoption of this UDC or amendments thereto may remain in use, subject to the following requirements:

- (1) All homes within the community shall be kept in good and habitable condition. Whenever a home in the community is damaged or deteriorated to such an extent that it is not habitable, it shall be removed, and, if replaced, shall be replaced with a unit that complies with the terms of this UDC.
- (2) Any homes moved into the community after the adoption of this Zoning Ordinance shall comply with the terms of this UDC.
- (3) The park shall maintain water and electricity service to all homes within the community.
- (4) The park shall provide sewer or septic service in a manner approved by the Bulloch County Board of Health.
- (5) The park shall be kept in compliance with the provisions of Section 2.4.7 -I(13).

Section 2.4.8 - Public Utilities

A. General provision. The provisions of this Zoning Ordinance shall not be so construed as to limit or interfere with the installation, operation, and maintenance of public utility structures or facilities in existence at the time of passage of this Zoning Ordinance, or

which may hereafter be located within public easements or rights-of-way designated for such purposes.

Section 2.4.9 - Residential Uses

- A. Applicability.** Unless otherwise expressly provided in this UDC, no dwelling shall be constructed, erected, or located within the city except in conformance with the requirements of this Section and all other applicable provisions of the UDC.
- B. Minimum dwelling sizes.** Except for dwellings within a cottage court (subject to Section 2.4.2 - Cottage Courts), specified dwelling types must meet the minimum square footage of heated living space as set forth below:
- (1) One-household detached dwelling:** at least 750 square feet.
 - (2) Two-household dwelling:** at least 1,500 square feet.
 - (3) Townhouse dwelling with up to two bedrooms:** at least 900 square feet.
 - (4) Townhouse dwelling with three or more bedrooms:** at least 1,050 square feet.
 - (5) Multi-household dwelling:** each unit shall have at least 288 square feet and the average square footage per unit for any one multi-household development shall be at least 576 square feet.
- C. Location restrictions.** In the CBD, O, MX, and HOC districts, dwelling units that are within a mixed-use building or that are accessory to a non-residential use shall not be located on the ground floor of a building abutting the right-of-way except for the portions of the building that are setback at least 40 feet from a building elevation that fronts a right-of-way.
- D. Residential uses in the Office (O) district.** Where permitted in the (O) district, residential uses shall only be permitted in the adaptive reuse of an existing building that an applicant has documented as being first occupied at least 50 years before the application or that an applicant has documented as being vacant for the previous five consecutive years. The proposed use must also meet all other applicable standards of this UDC.
- E. Multi-household dwellings.** In addition to other applicable standards, the following provisions shall apply to multi-household dwellings.

- (1) **Vehicular access to multi-household dwellings.** Where vehicular access is required or otherwise provided, provisions shall be made for ingress and egress to and from vehicle streets and highways serving multi-household dwellings without congestion to or interference with normal traffic flow.
- (2) **Recreational features for multi-household dwellings.** Multi-household dwelling developments are encouraged to provide community areas, laundry facilities, playgrounds, tot lots, and other services necessary for the comfort and convenience of multi-household dwelling residents.

F. Porch or stoop required. For all ground-level residential dwellings in the R-3, R-4, R-6, and MX districts, each separate building with residential uses facing a non-alley right-of-way shall provide at least one pedestrian entrance facing the non-alley right-of-way with a porch or a stoop per the following provisions:

- (1) **Porch standards.** A porch shall be at least 6 feet deep (not including steps) and shall be contiguous with a width not less than 33% of the building façade from which it projects. A porch shall be roofed and shall not be fully enclosed but may be screened. Steps leading to a porch shall have enclosed risers. Round roof support columns shall have a minimum diameter of 8 inches. Square roof support columns shall have a minimum width and depth of six inches.
- (2) **Stoop standards.** A stoop shall be no more than 6 feet deep (not including steps). A stoop may be covered but shall not be fully enclosed. Steps leading to a stoop shall have enclosed risers. Roof-supporting columns, where provided, shall have a minimum width and depth of six inches.

G. Manufactured, mobile, modular, or industrialized homes. Manufactured homes, mobile homes, and modular or industrialized buildings shall be subject to additional standards provided in the UDC, including Section 2.4.7 - Manufactured Homes and Parks

Section 2.4.10 - Solar Installation and Operation

A. Purpose and intent. The purpose of the UDC, from which this Section is derived, is to facilitate the siting, construction, installation, operation, maintenance, and

decommissioning of solar energy systems (SES's) in the city. The intent of this is to promote the following:

- (1) To encourage local development, and promote the health, safety and welfare of the citizens.
- (2) To mitigate any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes.
- (3) To increase energy security and diversify the city energy portfolio.
- (4) To promote the use of Georgia-based energy resources.
- (5) To decrease the cost of energy and increase consumer choice in energy consumption.
- (6) To bolster local economic development and employment prospects.
- (7) To encourage the use of a renewable energy resource.
- (8) To support the city sustainability agenda, and to reduce air and water pollution.

B. Definitions. As used in this Section, the following terms shall have the meanings indicated:

- (1) *Ordinance* means this solar ordinance or Section 2.4.10 - Solar Installation and Operation.
- (2) *Permit* means any permit required by federal, state, or local law or regulation, including this Section.
- (3) *Visual buffer* means natural vegetation, plantings, earth berms, and/or decorative fencing that provide a visual and lighting barrier between SES and a residential property. The visual buffer is not part of the SES and shall not be included when (1) calculating the acreage of land occupied by the SES, or (2) determining whether the SES adheres to applicable setback requirements.

C. Application of Ordinance.

- (1) The application of this Ordinance shall apply to any SES within the city. Any SES that existed before the effective date of this Section, that is (1) currently in operation,

(2) has received approval from the city to operate, (3) is being constructed, if no approval was required, shall be exempt from this Section, unless:

- (i) The acreage of land occupied by the SES is increased by more than one acre.
 - (ii) More than 10% of the solar panels on the SES are replaced.
- (2)** Unless otherwise expressly stated herein, an SES shall still comply with all applicable federal, state, and local laws and regulations, including the requirements of the UDC.

D. Requirements applicable to solar energy systems.

(1) Levels of solar energy systems.

- (i) **Principle solar energy system.** A solar energy system which is the principle or primary use on a single lot or parcel which is used to collect and convert solar energy into usable electricity using on-site equipment for the primary purpose of transmitting electricity off-site to be used by an electric utility. In most circumstances, principle systems will be ground mounted. This definition includes all systems defined by the North American Industry Classification System (NAICS) under code 221114 which includes solar farms.
- (ii) **Accessory solar energy system.** An SES that is an accessory use to the principle use of a property, meaning it is incidental to the principal use and is subordinate in area or purpose. Accessory systems may be roof-mounted, ground-mounted, or parking-mounted.

(2) Types of solar energy systems.

- (i) **Building-integrated solar energy systems.**
 - (a) These systems are integrated directly into building.
 - (b) Generally, they will replace some function of the overall building, which can include systems contained within roofing materials, awnings, or windows.
- (ii) **Rooftop solar energy systems.**
 - (a) These are not integral components of buildings.

(b) Also referred to as "building-mounted solar energy systems".

(3) Ground mounted solar energy systems.

- (i) Small-scale SES: Occupies less than three acres.
- (ii) Intermediate-scale SES: Occupies three to 15 acres.
- (iii) Large-scale SES: Occupies more than 15 acres.

E. Methods of collection.

(1) Solar photovoltaic (PV) systems. A PV system may be roof-mounted or ground-mounted. These are generally comprised of:

- (i) Solar cell.
- (ii) Solar module.
- (iii) Solar array.

(2) Solar thermal systems. A solar collection system that produces electricity by the use of photovoltaic cells which generate electricity when exposed to sunlight. May be roof-mounted, or ground-mounted. These are generally comprised of:

- (i) **Flat plate collection.** System that collects solar radiation to heat a liquid which will in turn be used to heat water or enclosed area.
- (ii) **Evacuated tube collection.** System generally composed of hollow tubes which contain a liquid used for the purpose of heating large volumes of water or heat water to a high temperature.

(3) Concentrated solar systems. A solar collection system that uses mirrors or lenses to concentrate sunlight and creates temperatures high enough to heat water or fluids or drive steam turbines that in turn create electricity:

- (i) **Parabolic trough.** Curved mirrors are used to focus the sun's radiant energy onto a receiver tube that runs down the center of a trough. High temperature transfer fluid passes through a heat exchanger to heat water.
- (ii) **Compact linear fresner reflector.** Similar to the parabolic trough, with the exception of long parallel rows of mirrors being used as a lower-cost option.

- (iii) **Power tower.** Structure where mirrors are used to focus the radiant energy of the sun on a receiver at the top of a tower to heat transfer fluid to produce steam.

F. Permissible zoning district.

- (1) With exceptions as outlined in this Subsection, an SES shall adhere to the following chart:

Table 1 - SES Type Allowance by Zoning District

	Zoning District Name or Type					
	Residential Districts	MX District	Light Industrial District	Highway Oriented Commercial	CBD District	Office District
Building integrated SES	A	A	A	A	A	A
Rooftop mounted SES	A	A	A	A	A	A
Ground mounted SES						
Small scale	A	A	A	A	A	SAP
Intermediate scale	SAP	SAP	SAP	SAP	SAP	SAP
Large scale	SAP	SAP	SAP	SAP	SAP	SAP
Table Notes: A: Allowed use. The SES is allowed in the district. N: Not allowed in district. SAP: Special administrative permit required.						

- (2) As per this Subsection, the following lot sizes needed to place a PSES should adhere based on the district assigned.

Table 2 - Minimum Acreage by Zone (R-CBD)

Minimum Lot in Acres	Zoning District			
	R-6, R-15, and R-40 Districts	R-3 District	R-2 and R-4 Districts	CBD District

Ground mounted solar energy system, principal	3	3	3	1
Ground mounted with coverage of > 50% of footprint of principal structure of lot	3	3	3	1

Table 3 - Minimum Acreage by Zone (MX-O)

Minimum Lot in Acres	Zoning District			
	MX District	Light Industrial	Highway Oriented Commercial	Office
Ground mounted solar energy system, principal	1	3	3	1
Ground mounted with coverage of > 50% of footprint of principal structure of lot	1	3	3	1

- (3) PUD Districts will adhere to all regulations set forward by the superseding building code, Article 4.1 - Urban Forest Beautification and Conservation, and height requirements set forth by the city. Setbacks must adhere to assigning setbacks based on developmental plan, city staff/council request and proposed acreage.

G. Requirements for building-integrated solar energy systems.

- (1) **Allowed use.** A building-integrated SES is an allowed accessory use, regardless of whether the SES is visible from the public right-of-way.

- (2) **Solar access.** A property owner may request to obtain a solar easement from another property owner for the purpose of ensuring the building-integrated SES adequate exposure to sunlight.

H. Requirements for rooftop solar energy systems.

- (1) **Allowed use.** A rooftop SES is an allowed accessory use, regardless of whether the SES is visible from the Public Right of Way.
- (2) **Solar access.** A property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.
- (3) **Safety.** A rooftop SES shall have a clear perimeter between the SES and Roofline to ensure emergency access and egress on the roof and to provide smoke ventilation opportunities. A Rooftop SES shall not extend beyond the exterior perimeter of the building, unless the SES is explicitly engineered to do so, and if permitted by the city. A rooftop SES must meet the adopted International and Georgia building codes.
- (4) **Height.** A Rooftop SES mounted on a flat roof shall be given an equivalent exemption to the underlying zoning district's height standards as roof-mounted mechanical devices or equipment. A Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

I. General requirements for ground mounted solar energy systems. The following requirements apply to all small, intermediate, and large-scale ground-mounted SESs, in addition to the specific requirements of this Section that apply to each SES size respectively:

- (1) **Solar access.** A property owner may obtain a solar easement from another property owner for the purpose of ensuring the ground mounted SES adequate exposure to sunlight.
- (2) **Visual buffer.** A ground mounted SES shall require a visual buffer where the SES is visible from a residential property. If the visual buffer utilizes natural vegetation or plantings, it shall be of a size and thickness sufficient to provide visual and lighting barrier between the SES and residential property within 12 months from the

completion of the SES. All other Visual Buffers shall be in place at the time the SES begins operation.

- (3) Impervious surface.** An SES shall comply with federal, state, and local stormwater management, erosion, and sediment control provisions and impervious surface coverage requirements. For purposes of compliance with such regulations, an SES shall be considered pervious if it maintains sheet flow and allows for water to infiltrate under and around the panels through a pervious surface into the subsoil.
- (4) Lighting.** To reduce light pollution, Lighting of a Ground Mounted SES shall:

 - (i) Be limited to the minimum reasonably necessary for its safe operation.
 - (ii) Be directed downward where reasonably feasible.
 - (iii) Incorporate full cut-off fixtures.
 - (iv) Reasonably utilize motion sensors.
- (5) Tree removal.** The removal and destruction of trees or natural vegetation for an SES shall comply with the requirements of the Statesboro Urban Forest Beautification and Conservation Ordinance.
- (6) Maintenance.** A ground mounted SES shall be maintained in good working order.
- (7) Abandonment.** A ground mounted SES shall be considered abandoned if it ceases to produce energy on a continuous basis for more than 12 months without prior approval from the zoning administrator.
- (8) Decommissioning.** If a ground-mounted SES has reached the end of its reasonable life or is abandoned, then:

 - (i) A small-scale SES and all structures associated with it shall be removed and all materials shall be recycled or otherwise reused to the extent reasonably practicable.
 - (ii) An intermediate-scale SES or large-scale SES shall be decommissioned in accordance with approved decommissioning plans, as required in this Section.

J. Specific requirements for small scale solar energy systems.

- (1) A Small-Scale SES may be allowed as a primary or accessory use.
- (2) Submission of site plans showing the location, mounting plan, and manufacturer's specifications.

K. Specific requirements for intermediate scale solar energy systems.

- (1) **Permitted use.** An intermediate-scale SES may be permitted as a primary or accessory use in any residential zoning district if the applicant obtains a special use permit from the zoning administrator. In any other zoning district and Intermediate-Scale SES is a permitted primary or accessory use if the applicant obtains a special administrative permit from the zoning administrator.
- (2) **Setbacks.** An intermediate-scale SES shall comply with the following setback requirements:
 - (i) The intermediate-scale SES shall be located no closer than the lesser of (a) 15 feet from any property line or easement, or (b) the setback standards of for the underlying zoning district.
 - (ii) The intermediate-scale SES shall be located no closer than the lesser of (a) 20 feet from any public right of way, or (b) the setback requirements of the underlying zoning district.
 - (iii) The intermediate-scale SES shall be located no closer than 50 feet from any residential dwelling unit.
- (3) **Signage.** An Intermediate-Scale SES:
 - (i) Shall have warning signs (a) displaying the dangers associated with the intermediate scale SES, (b) identifying the owner or operator of the intermediate scale SES and (c) providing a 24-hour emergency contact number;
 - (ii) May have signs that contain educational information about the intermediate scale SES as per the National Electrical Code; and
 - (iii) Shall not have signs used for displaying any advertisement except for reasonable identification of the manufacturer or operator of the intermediate scale SES.

- (4) **Electrical connections.** If the intermediate-scale SES is connected to the public grid, then reasonable efforts shall be made to place underground all utility connections from the SES, depending on appropriate soil conditions, shape, and topography of the property and any requirements of the utility provider. All applicable permits shall be obtained, and inspections performed, as required by locally adopted construction codes.
- (5) **Safe installation.** The intermediate-scale SES shall be installed by a licensed electrician and a certified electrician shall inspect electrical connections before operation, and the appropriate public utility shall inspect any operating connection to the grid.

L. Specific requirements for large-scale solar energy systems.

- (1) **Permitted use.** A large-scale SES is a permitted primary or accessory use in any zoning district if the applicant obtains a special use permit from the zoning administrator.
- (2) **Setbacks.** A large-scale SES shall comply with the following setback requirements.
 - (i) The large-scale SES shall be located no closer than the lesser of (a) 15 feet from any property line or easement, or (b) the setback standards for the underlying zoning district;
 - (ii) The large-scale SES shall be located no closer than the lesser of (a) 20 feet from any public right of way, or (b) the setback standards for the underlying zoning district; and
 - (iii) The large-scale SES shall be located no closer than 100 feet from any residential dwelling unit.
- (3) **Signage.** A large-scale SES:
 - (i) Shall have warning signs (a) displaying the dangers associated with the large-scale SES, (b) identifying the owner or operator of the large-scale SES and (c) providing a 24-hour emergency contact number;
 - (ii) May have signs that contain educational information about the large-scale SES; and

- (iii) Shall not have signs used for displaying any advertisement except for reasonable identification of the manufacturer or operator of the large-scale SES.
- (4) Electrical connections.** If the large-scale SES is connected to the public grid, then reasonable efforts shall be made to place underground all utility connections from the SES, depending on appropriate soil conditions, shape, and topography of the property and any requirements of the utility provider. All applicable permits shall be obtained, and inspections performed, as required by locally adopted construction codes.
- (5) Safe installation.** The large-scale SES shall be installed by a licensed electrician, a certified electrician shall inspect electrical connections before operation, and the appropriate public utility shall inspect any operating connection to the grid.

M. Plans and permits.

- (1) Permit application.** An application for a special administrative permit or a special use permit shall be submitted to the department of planning and development containing the following:
 - (i) **Basic information.** The applicant shall submit a document that includes the following:
 - (a) The address of the SES property.
 - (b) The applicant's name, address, telephone number, and email address.
 - (c) The property owner's name, address telephone number, and email address.
 - (d) The installation company's name, address, telephone number, email address, and license number (if known).
 - (e) Evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.
 - (ii) **Site plan.** The applicant shall submit a site plan that contains the following:
 - (a) A diagram of the property and directly adjacent properties showing the locations of all existing and proposed structures (including solar arrays,

inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, required signage, required, vegetation buffers, existing trees with species, common name and DBH of all trees to be removed.

- (b) A one-line diagram of the SES that has been stamped and signed by a professional engineer licensed in Georgia that shows the configuration of the array, the wiring system, the overcurrent protection, the inverter, and the disconnects.
 - (c) A topographical map from the U.S. Geology Survey, or equivalent, that depicts in detail any vegetative cover, watersheds, floodplains, or wetlands on property.
 - (d) A topographical drawing of the property that indicates how stormwater currently drains from the property, identifies the location of discharge points or areas, and identifies any conditions present on the property that may contribute to significant soil erosion.
 - (e) A map from the Georgia Department of Natural Resources that identifies any habitat for state endangered, threatened, or candidate species on or adjacent to the property.
 - (f) A map from the U.S. Department of Fish and Wildlife ("FWS") and/or the National Oceanic and Atmospheric Administration ("NOAA") that identifies any habitat for federally endangered, threatened, or candidate species on or adjacent to the property.
 - (g) If the SES is in an agricultural district, map from U.S. Department of Agricultural Natural Resources Conservation Service ("NRCS") identifying prime farmland and farmland of statewide importance on the property.
- (iii) **Mitigation of impacts.** The applicant shall submit a mitigation plan that contains the following:
- (a) A plan for the prevention and mitigation of stormwater runoff and soil erosion.

- (b) If the SES is located on prime farmland or farmland of statewide importance (as defined by NRCS), a plan to mitigate damage to the soil quality.
 - (c) If the installation of the SES will result in potentially adverse changes to any state or federally endangered, threatened, or candidate species habitat, a mitigation plan, that includes (a) a process for minimizing changes to the species habitat, for example through habitat corridors, (b) a plan to relocate and monitor any impacted species, and (c) a plan to restore the original species habitat after the system is decommissioned.
 - (d) A map of five nautical miles around the property with the location of any airport in the shown space, and, if an airport is present in that area, a glare hazard analysis result by the solar glare hazard analysis tool or its equivalent.
 - (e) An included method for compliance, or alternative compliance for the tree canopy requirement in the Statesboro Urban Forest Beautification and Conservation Ordinance.
 - (1) Total removed square footage converted to 35% for the bank fund.
 - (2) Tree removal cost must adhere to standard amount for removal as described in the Statesboro Urban Forest Beautification and Conservation Ordinance.
- (iv) **Certifications.** The applicant shall submit an affidavit that provides:
- (a) Construction and operation of the SES will comply with all applicable federal, state, and local laws and regulations, including the requirements of the UDC, unless otherwise expressly stated in this Zoning Ordinance.
 - (b) Before operation, a fire safety and evacuation plan must be filed with the appropriate fire code and emergency management officials, and shall be available in workplace for reference and review by employees working on the premises.

- (c) General liability insurance must be maintained throughout the life of the SES project. If the UDC does not specify the coverage, such general liability insurance will include, but not be limited to, commercial form, premises-operations, products/completed operations hazard, contractual insurance, broad form property damage, and personal injury.
- (d) Before operation, the assigned chief building official shall ensure the installed SES meets all applicable local and state codes.
- (v) **Decommissioning plan.** The applicant shall submit a decommissioning plan that, based on the best available information at the time of the application contain the following:
 - (a) The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan.
 - (b) A statement of conditions that require the decommissioning plan to be implemented.
 - (c) As part of decommissioning, a removal plan that (a) identifies all structures, components, and non-utility owned equipment that shall be removed, and (b) includes a plan for recycling or otherwise reusing all materials to the extent reasonably practicable.
 - (d) As part of decommissioning, a restoration plan to return the property to its condition before the installation of the SES or to some other condition reasonably appropriate to the designated land use after the SES is removed, including a tree restoration plan to restore the original tree cover with similar tree types and number after the system is decommissioned.

(2) Special administrative permit review.

- (i) Upon receiving an application for an SES, the zoning administrator shall review the permit application within 30 days and either approve or deny the applicant.

- (ii) A special administrative permit application may be approved only if the zoning administrator determines that the SES complies with all applicable federal, state, and local laws and regulations, including the provisions of this Section.
- (iii) The applicant's appeal rights are consistent with those rights expressed in the UDC.

(3) Special use permit.

- (i) Upon receiving an application for an SES, the zoning administrator shall:
 - (a) Provide public notice of the proposed project in accordance with the notice requirements in the UDC.
 - (b) Schedule and hold a public hearing in accordance with the hearing requirements in the UDC.
 - (c) Issue a determination within ten days of the public hearing on the permit based on the application and public comments.
- (ii) A special use permit application may be approved only if the zoning administrator determines that the SES complies with all applicable federal, state, and local laws and regulations, including the provisions of this Section.
- (iii) The applicant's appeal rights are consistent with those rights expressed in the UDC.

Section 2.4.11 - Telecommunications Antennae and Towers

A. Purposes. The purpose of this Section is to provide zoning classification requirements for the siting of all wireless, cellular, television and radio telecommunications towers and antennas; to encourage the location of towers in non-residential areas; to minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of the city; to encourage the joint use of new and existing tower sites among service providers; to locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of towers and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

- B. Definitions.** For the purpose of this Section, certain terms used herein shall be defined as follows. The general definitions and interpretative rules of the UDC shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.
- (1) Alternative tower structure.** Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, on premises signs, outdoor advertising signs, water storage tanks, and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - (2) Antenna.** Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.
 - (3) Co-location.** The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.
 - (4) Department.** The city administration.
 - (5) FCC.** The Federal Communications Commission.
 - (6) Geographic antenna placement area.** The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.
 - (7) Height.** When referring to a tower or other structure, "height" means the distance measured from ground level to the highest point on the tower structure or appurtenance.
 - (8) Pre-existing tower and antennas.** Structures as set forth in Section 2.4.11 -C(4) of this Article.
 - (9) Scenic views.** Those geographic areas containing visually significant or unique natural features, as identified in the most recently adopted comprehensive plan.
 - (10) Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication

towers, man-made trees (with accessory buildings/structures) and other similar structures.

- (11) **Visual quality.** The appropriate design, arrangement, and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

C. Applicability.

- (1) **General application.** Except as otherwise provided herein, the provisions, requirements and limitations of this Section governs the location of all wireless telecommunication, cellular telecommunication, television, microwave or radio transmission tower or antenna installed within the city. In the event of any conflict between any other provision of the UDC and this Section, this Section shall control.
- (2) **Governmental exemption.** Except as otherwise specifically provided for in this Section, the provisions of this Section shall not apply to the city's properties, facilities, or structures. Private facilities and structures placed upon city property shall be governed by a lease agreement between the city and the provider.
- (3) **Amateur radio; receive-only antennas.** This Section shall not govern any tower, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence or is used exclusively as a receive-only antenna; provided, however, only one such tower or antenna per residence shall be excluded from this Section.
- (4) **Pre-existing towers and antennas.** Towers and antennas permitted and erected before the adoption of this Zoning Ordinance or amendment thereto shall be deemed pre-existing and shall not be subject to the requirements of this Section. The placement of additional antennas on any non-conforming structure shall not create a vested right for the continued use of the structures should the non-conforming use cease. If an additional antenna is co-located on a legally pre-existing tower, the requirements of this UDC shall be met.

D. General provisions.

- (1) **Special use required.** A special use permit shall be required for the placement of any tower or alternative tower structure, except as otherwise permitted herein.

(2) Principal or accessory use. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including, but not limited to, setback, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use of structure.

(3) Co-location of antennas required. Applicants for the erection of a tower or antenna, except amateur radio operators, must co-locate upon an existing tower structure, if possible. An exception to co-location shall only be made if the applicant submits a report from an engineer demonstrating that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available, or if the applicant submits an affidavit showing that while a suitable tower may exist, no space is available thereon. Co-location is permissible provided the new antenna will add no more than ten (10) feet to the height of the tower and related equipment or appurtenances. Increasing the antenna height more than 10 feet requires a special use permit. Co-location requires only a building permit, and the information described in Section 2.4.11 -G(2).

E. Special use permit required.

(1) General.

- (i) A special use permit shall be required for the construction of a new tower in any zoning district. All such uses shall comply with requirements set forth in this Section and all other applicable codes and ordinances, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any

other means including planned or potential locations which would provide the same or similar coverage or capacity.

- (ii) In granting a special use permit, the city may impose conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties.
- (2) Application; contents; fee.** All applications for special use permits shall be submitted to the City of Statesboro city clerk. An application for a special use permit shall not be accepted for processing without the information and application fee required by this Zoning Ordinance.
- (3) Independent expert review.** The city may engage a licensed professional engineer as an independent expert to review any of the materials submitted by an applicant for a special use permit and render an opinion regarding any concerns about the proposal, including, but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the city shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to satisfactorily address those concerns, the applicant shall be allowed a reasonable amount of time, not to exceed thirty days, following the receipt of the letter in which to modify the application to alleviate the city's concerns or withdraw the application altogether. The expert's opinion shall be considered determinative, unless the applicant agrees to pay the expenses of submitting both opinions for a peer review, which review shall then be considered final. If the independent third-party expert supports the applicant's expert, then the department shall pay the expenses of said third-party expert. If the independent third-party expert supports the position of the department, then the applicant shall pay the expenses of said third-party expert.
- (4) Public hearing.** Before taking action upon the proposed special use permit, the city shall hold a public hearing on the matter consistent with the procedures of this UDC pertaining to special use permits.
- (5) Considerations in approval or denial of special use permits.** Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The following

factors may be taken into consideration in acting upon a special use permit application under the provisions of this Section:

- (i) The height and setbacks of the proposed tower or antenna(s);
 - (ii) The proximity of the tower or antenna(s) to residential structures and residential district boundaries;
 - (iii) The nature of uses on adjacent and nearby properties;
 - (iv) The surrounding topography;
 - (v) The surrounding tree coverage and foliage;
 - (vi) The design of the tower or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) The proposed ingress and egress;
 - (viii) The availability of suitable existing towers or other structures for antenna collocation;
 - (ix) The impact of the proposed tower or antenna(s) upon scenic views and visual quality of the surrounding area;
 - (x) The needs of the applicant as balanced against the detrimental effects on surrounding properties; and
 - (xi) The impact of the proposed tower or antenna(s) on adjacent and nearby properties.
- (6) Resubmittal of special use application.** An application for a special use permit which has been denied shall not be resubmitted for a period of twelve months.
- (7) Time.** All collocation applications shall be ruled upon within 90 days of the filing of a completed application; all other applications shall be ruled upon within 150 days of a completed application. Applications which are not completed at the time of filing shall not be accepted, and city staff shall review the application to verify completeness within 30 days from the filing of the application. In the event that an application is determined to not be complete within the initial 30-day period after

filing, city staff shall promptly notify the applicant, and the time for issuance of the decision shall be tolled for the time period between such notification to the applicant and the date the applicant files materials which complete the application. The time periods within this provision may be extended by the mutual consent of the city and the applicant.

F. General requirements for towers.

(1) Setbacks and separation. The following setbacks and separation requirements shall apply to all towers:

- (i) Towers shall be set back a distance equal to the height of the tower from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the tower, except when a property owner or adjoining property owner consents in writing to waive the setback and the applicant clearly demonstrates that the tower will collapse within the parent parcel.
- (ii) Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
- (iii) All free-standing towers shall conform to the minimum tower separation requirements of Table 2.4.11-A - Minimum Tower Separation per Tower Heights.

Table 2.4.11-A - Minimum Tower Separation per Tower Heights

Tower Height	<50 feet	50-100 feet	101-150 feet	>150 feet
	Minimum required separation per tower heights			
<50 feet	300 feet	500 feet	750 feet	1,000 feet
50-100 feet	500 feet	750 feet	1,000 feet	1,500 feet
101-150 feet	750 feet	1,000 feet	1,500 feet	2,000 feet
>150 feet	1,000 feet	1,500 feet	2,000 feet	2,500 feet

(2) Aesthetics. The guidelines set forth in this Section govern the design and construction of all towers, and the installation of all antennas, governed by this Section.

- (i) Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (ii) At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
 - (iii) For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
 - (iv) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.
 - (v) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the city.
 - (vi) To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.
 - (vii) Access to the tower site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land.
- (3) Security fencing/anti-climbing devices.** All towers and supporting equipment shall be enclosed by fencing not less than 6 feet in height and shall also be equipped with

appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.

- (4) Landscaping.** The following requirements govern landscaping surrounding all towers:
- (i) Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.
 - (ii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
 - (iii) Landscaping shall be maintained by the provider. Failure to maintain landscaping shall be deemed a violation of this Section.
 - (iv) Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provision of this Section unless required by the city through the special use permit process.
- (5) Maintenance impacts.** Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.
- (6) Federal requirements; removal of towers.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the permittee or the lessee of the tower and antenna governed by this Article shall bring such tower and/or antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance

schedule is mandated by the controlling federal agency. Failure to bring such tower and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the tower and constitute grounds for the removal of the tower or antenna at the owner's, permittee's, or lessee's expense.

- (7) Building codes; safety standards; removal of towers.** To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable Standard Building Codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the department concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within fifteen (15) days shall be deemed a declaration of abandonment of the tower and constitute grounds for removal of the tower. Before the removal of any tower, the Department may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above-referenced compliance period.
- (8) Change of ownership notification.** Upon the transfer of ownership of an interest in any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the department of the transaction in writing within 30 days.

G. Application procedures.

- (1) General application requirement.** Application for a permit for any telecommunication facility shall be made to the department by the person, company or organization that will own and operate the telecommunications facility. Except for a co-location information submittal under Section 2.4.11 -G(2), the following information shall be submitted when applying for any permit required by this Article and must be submitted for an application to be considered complete:

- (i) Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the city information services department.
- (ii) Landscaped plan to scale indicating size, spacing and type of plantings required in Section 2.4.11 -F(4).
- (iii) A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
- (iv) A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic or safety impacts of such maintenance.
- (v) Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:
 - (a) Tower or antenna type, height, and design;
 - (b) Engineering, economic, and other pertinent factors governing selection of the proposed design;
 - (c) Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;
 - (d) Evidence of structural integrity of the tower or alternative tower structure;
 - (e) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris;
 - (f) Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER),

and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety;

- (g) Certification that the proposed height of the tower is the minimum height necessary for coverage; and
 - (h) A propagation study which documents the proposed location is the only location for the tower that reduces alleged gaps in coverage.
- (vi) Identification of the geographic service area for the subject installation, including a map showing the proposed site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or tower is needed for coverage or capacity.)
- (vii) The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage, and power line easements impacting the proposed tower site.
- (viii) The applicant must provide any other information which may be requested by the department to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- (2) Tower co-location information submittals.** Any person or entity co-locating an antenna or antennas on a tower for which a permit has already been issued shall submit the following information only:
- (i) The name of the person or entity co-locating the antenna.
 - (ii) The name of the owner of the tower.
 - (iii) The tower's permit number.
 - (iv) The location of the tower.
 - (v) The remaining structural capacity of the tower.
 - (vi) Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio

frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

H. Application and permit fees.

- (1) **Special use permit.** The fee for an application seeking a special use permit to erect a new tower on an alternative tower structure shall be \$3,000.00.
- (2) **Co-location.** There shall be no fee for an application seeking a special use permit for co-location on an existing tower or alternative tower structure other than the building permit fee.
- (3) **Building permit fees.** In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply.

Section 2.4.12 - Townhouse Dwellings

A. Applicability.

- (1) The townhouse dwelling standards contained in this Section shall apply to all townhouse dwellings, as defined in this UDC, in the city, including all townhouse dwellings within Planned Unit Development Districts. Some standards in this Section, where duly indicated, shall apply only to townhouse dwellings within a townhouse development.
- (2) The requirements in this Section shall modify any conflicting standards for townhouse dwellings and townhouse developments.

B. Area, width, and yard regulations.

- (1) **Lot area and width.** A minimum site area of 8,000 square feet and a site lot width of 70 feet at the front setback line shall be provided for the development. In the case of townhouse dwelling units occupying their own lot, each townhouse dwelling unit lot must be at least 20 feet wide and 40 feet deep and any areas not included as part of a townhouse dwelling lot shall be owned by a mandatory homeowner association (or non-owner occupied equivalent).
- (2) **Dwelling units per acre.** There shall be no more than 12 dwelling units per acre for any townhouse development, calculated based on the total lot area before

development. When a development contains other residential uses, this maximum density shall apply to sum of all residential uses.

- (3) Front yard.** When the garage doors of an attached garage of a townhouse dwelling face a street, a minimum front yard setback of at least 20 feet from the sidewalk on the same side of the street shall be provided, unless the zoning district in which it is located requires a greater distance. When garage doors of an attached garage of a townhouse dwelling do not face a street, a minimum front yard setback of 10 feet from the sidewalk on the same side of the street shall be provided, unless the zoning district in which it is located requires a greater distance.
- (4) Side yards.** A townhouse dwelling may be built up to the side lot line when attached on that side to an adjacent building. A townhouse dwelling must maintain a side yard setback of 8 feet on any side not attached to an adjacent building, unless the zoning district in which it is located requires a greater distance.
- (5) Rear yard.** A townhouse dwelling shall be set back not less than 20 feet from a rear lot line, unless the zoning district in which it is located requires a greater distance.
- (6) Building coverage.** The footprint of a townhouse dwelling and its associated impervious surfaces, including impervious driveways, walkways, and accessory buildings, shall not exceed 75% of the lot area, unless the zoning district in which it is located requires a lesser footprint.

C. Utilities.

- (1)** Public water and public sewer system connections are required for all townhouse dwelling uses.
- (2)** Each dwelling unit of a townhouse dwelling shall be metered separately. Each electricity meter, natural gas meter, and water meter shall measure the delivery of utility service to no more than one dwelling unit of a townhouse dwelling.

D. Off-street parking.

- (1)** Each townhouse dwelling shall have its own garage containing at least one parking space.

- (2) Townhouse dwelling parking spaces that are not in a garage may only be in a driveway serving such garage.
- (3) Townhouse dwelling garage parking spaces may be arranged side-by-side, one in front of the other (tandem), or (when more than two spaces are provided) a combination of both, as shown in Figure 2.4.12-A - Townhouse Dwelling Garage Parking Arrangements.
- (4) Visitor parking required by Table 2.5.2-A – Comprehensive Vehicular Parking Requirements shall be in a designated visitor parking facility or in a conforming public or private on-street parking space within the development.
- (5) No entrance to a townhouse dwelling garage may face a street not contained within the townhouse development.
- (6) No driveway may be located between a street that is external to (1) a townhouse development and (2) a townhouse dwelling within such townhouse development.

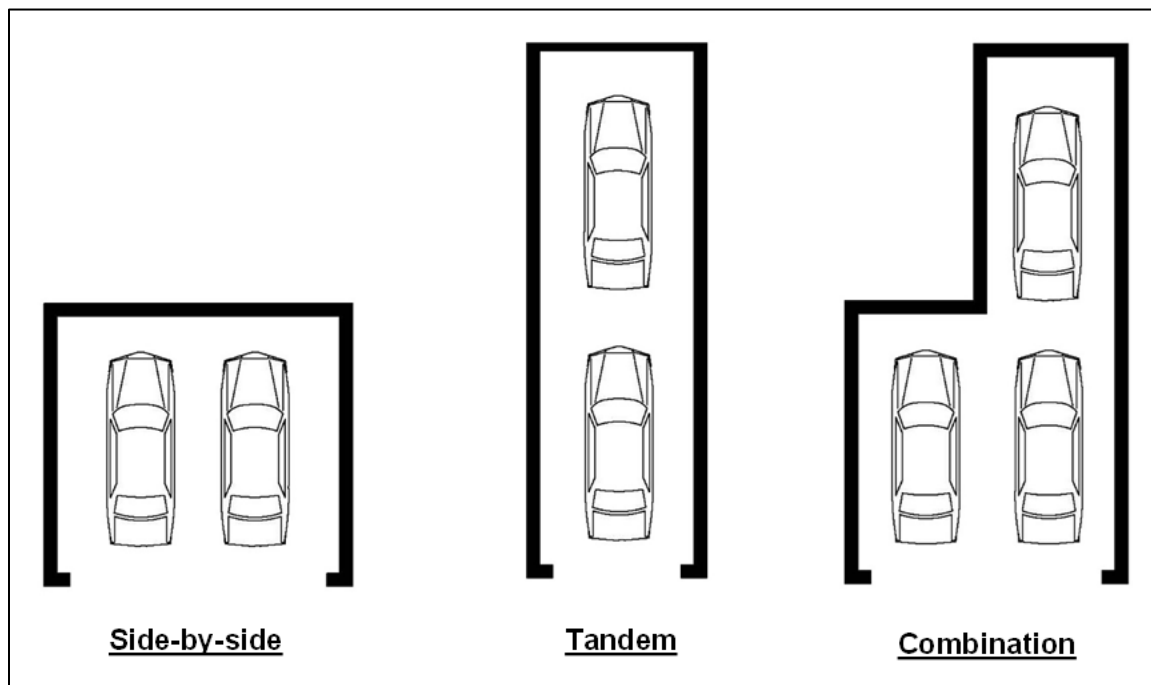


Figure 2.4.12-A - Townhouse Dwelling Garage Parking Arrangements

E. Amenity space.

- (1) A continuous paved pathway or sidewalk system must be provided to connect amenity spaces, the townhouse dwellings, and sidewalks external to the development.
- (2) A mandatory homeowner association (or non-owner occupied equivalent) is required and must be responsible for owning, maintaining, and insuring amenity space and other common areas. When provided, any homeowner association must include an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. § 44-3-220 et seq. Any association shall annually assess each property owner an amount sufficient to maintain and replace infrastructure, as necessary. The association or equivalent shall be responsible for all repair, maintenance, operation, and management of private infrastructure, including roads, stormwater infrastructure, shared wastewater infrastructure, and required open space, as applicable. The association must also provide that the covenants automatically renew at the end of the 20-year term, unless 100% of the owners at that time vote that the covenants should not renew.

F. Internal street standards.

- (1) The following regulations apply to all internal streets of a townhouse development.
- (2) Internal streets must provide sidewalks along both sides of all streets, except along portions of a side of a street that is fronted by a park, nature preserve, woodland, stream buffer, or other naturalized area.
- (3) At least two points of vehicular access must be provided to streets external to the townhouse development.
- (4) Street connections or future street connections must be provided to adjacent properties likely to develop or redevelop.

G. Landscaping standards.

- (1) All yards surrounding a townhouse dwelling must be landscaped.
- (2) Street trees shall be planted and maintained on both sides of every street within a townhouse development. Street trees shall be planted in the right-of-way, between the curb and the property line. Street trees shall be spaced no more than 100 feet

on-center from other trees on the same side of the street. Alternative locations may be approved administratively.

- (3) Around the perimeter of a townhouse development, except within the (DSDA) Downtown Statesboro Development Authority Overlay, a landscape strip shall be provided. The landscape strip shall be at least 10 feet in depth and may contain fencing, signs, walkways, and pedestrian amenities, but not parking.

H. Building standards.

- (1) No more than 6 townhouse dwelling units may be in a contiguous attached row.
- (2) No more than 3 adjacent townhouse dwelling units may have the same front façade designs. Differentiation between adjacent townhouse dwelling units or groups of 2 or 3 adjacent townhouse dwelling units may be accomplished by a change in materials, building height, color, roof form, or front yard setbacks.
- (3) A front porch or stoop is required in the front yard area of each townhouse dwelling unit and must be connected to the fronted sidewalk by a walkway at least 3 feet wide. Such front porch or stoop is not considered when measuring the front yard setback, provided that the front porch or stoop is does not project from the townhouse dwelling more than 8 feet in the direction of the street.
- (4) Any townhouse dwelling that is visible from right-of-way external to the site must include the following elements on all facades visible from said right-of-way are subject to the following:
 - (i) Window treatments, such as trim and shutters, that are similar to those window treatments applied to the building's front façade.
 - (ii) Architectural treatments that are similar to those architectural treatments applied to the building's front façade.
 - (iii) Primary exterior wall finish materials area limited to:
 - (a) Painted or unpainted brick, including half-depth brick, thin brick, and simulated brick veneers;
 - (b) Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone; and

- (c) Cement-based artificial wood siding or shakes and shingles with a stone or brick water-table.
- (iv) Vinyl and composite materials may be used on window and architectural treatments, but not exterior wall finishes.

Section 2.4.13 - Wireless Facilities and Antennas

A. Purpose and compliance.

- (1) O.C.G.A. § 32-4-92(a)(10) authorizes the City of Statesboro, Georgia (the "city") to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the city. Further, 47 U.S.C. § 253(c) provides that the city has authority to manage its public rights-of-way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights-of-way of the city.
- (2) The city finds it is in the best interest of the city and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities, poles in the public rights-of-way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the city and to reasonably manage and protect the public rights-of-way and its uses in the city.
- (3) The objective of this Zoning Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights-of-way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.

B. Definitions.

- (1) Unless defined below, terms used in this Zoning Ordinance shall have the meanings given them in O.C.G.A. § 36-66C-2.
- (2) As used in this Zoning Ordinance, the following terms have the following meanings:

- (i) *Antenna* means: (a) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (b) communications equipment similar to equipment described in part (a) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- (ii) *Applicable codes* means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the city or are otherwise applicable in the city.
- (iii) *Applicant* means any person that submits an application.
- (iv) *Application* means a written request submitted by an applicant to the city for a permit to: (i) collocate a small wireless facility in a right-of-way; or (ii) install, modify, or replace a pole or decorative pole in a right-of-way on which a small wireless facility is or will be located.
- (v) *Authority pole* means a pole owned, managed, or operated by or on behalf of the city. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.
- (vi) *Collocate* or *collocation* means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
- (vii) *Communications facility* means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.
- (viii) *Communications service provider* means a provider of communications services.
- (ix) *Communications services* means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

- (x) *Consolidated application* means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.
- (xi) *Decorative pole* means an authority pole that is specially designed and placed for aesthetic purposes.
- (xii) *Electric supplier* means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.
- (xiii) *Eligible facilities request* means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.
- (xiv) *FCC* means the Federal Communications Commission of the United States.
- (xv) *Fee* means a one-time, nonrecurring charge based on time and expense.
- (xvi) *Historic district* means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law before June 4, 2019.
- (xvii) *Law* means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.
- (xviii) *Micro wireless facility* means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.
- (xix) *Permit* means a written authorization, in electronic or hard copy format, required to be issued by the city to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

- (xx) *Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.
- (xxi) *Pole* means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.
- (xxii) *Rate* means a recurring charge.
- (xxiii) *Reconditioning work* means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.
- (xxiv) *Replace, replacement or replacing* means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.
- (xxv) *Replacement work* means the activities associated with replacing an authority pole.
- (xxvi) *Right-of-way* means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the city and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.
- (xxvii) *Small wireless facility* means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological

configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

- (xxviii) *State* means the State of Georgia.
- (xxix) *Support structure* means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.
- (xxx) *Wireless infrastructure provider* means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.
- (xxxi) *Wireless provider* means a wireless infrastructure provider or a wireless services provider.

- (xxxii) *Wireless services* means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.
 - (xxxiii) *Wireless services provider* means a person that provides wireless services.
 - (xxxiv) *Wireline backhaul facility* means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.
- (3)** In the event that any federal or state law containing definitions used in this Zoning Ordinance is amended, the definition in the referenced Section, as amended, shall control.

C. Permits.

- (1)** A permit is required to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
- (2)** Any person seeking to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way shall submit an application to department of planning and development for a permit. Applications are available from the department of planning and development. Any material change to information contained in an application shall be submitted in writing to the department of planning and development within 30 days after the events necessitating the change.
- (3)** Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3).
- (4)** The department of planning and development shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
- (5)** Applications for permits shall be approved except as follows:

- (i) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
 - (ii) The department of planning and development may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 - (iii) For applications for new poles in the public right-of-way in areas zoned for residential use, the department of planning and development may propose an alternate location in the public right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the department of planning and development proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
- (6)** A permit issued under this Section shall authorize such person to occupy the public rights-of-way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
- (7)** Upon the issuance of a permit under this Zoning Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the city the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities

form the public rights-of-way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this Section shall cease as of the date of the actual removal.

- (8)** Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
- (9)** The city may revoke a permit issued pursuant to this Section if the wireless provider or its equipment placed in the public right-of-way under that permit subsequently is not in compliance with any provision of this Zoning Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the city may proceed according to Section 2.4.13 -C(10).
- (10)** If a wireless provider occupies the public rights-of-way without obtaining a permit required by this Section or without complying with the SWFAA, then the city may, at the sole discretion of the city, restore the right-of-way, to the extent practicable in the reasonable judgment of the city, to its condition before the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the city in doing so, plus a penalty not to exceed \$1,000.00. The city may suspend the ability of the wireless provider to receive any new permits from the city under this Section until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the city may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- (11)** All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
- (12)** An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

- (13) Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
- (14) Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years.
- (15) Permits shall be renewed following the expiration of the term identified in Section 2617(N) upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
- (16) If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights-of-way, then the city shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider must perform the make-ready work. Any make-ready work performed by the city must be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

D. Removal; relocation; reconditioning; replacement; abandonment.

- (1) A person may remove its small wireless facilities from the public rights-of-way according to the procedures of O.C.G.A. § 36-66C-5(e).
- (2) In the event of a removal under Section 2618(A), the right-of-way shall be, to the extent practicable in the reasonable judgment of the city, restored to its condition before the removal. If a person fails to return the right-of-way, to the extent practicable in the reasonable judgment of the city, to its condition before the removal within 90 days of the removal, the city may, at the sole discretion of the city, restore the right-of-way to such condition and charge the person the city's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The city may suspend the ability of the person to receive any new permits under this Section until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the city will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

- (3) If, in the reasonable exercise of police powers, the city determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the city may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
- (4) The city shall recondition and replace of authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
- (5) A wireless provider must notify the city of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The city may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

E. Standards.

- (1) Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right-of-way as a permitted use: (i) upon a receipt of a permit under this Section; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

 - (i) New, modified, or replacement poles installed in the right-of-way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

- (ii) Each new, modified, or replacement pole installed in the right-of-way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - (a) Fifty feet above ground level; or
 - (b) Ten feet greater in height above ground level than the tallest existing pole in the same public right-of-way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
 - (iii) New small wireless facilities in the public right-of-way and collocated on an existing pole or support structure shall not exceed more than 10 feet above the existing pole or support structure.
 - (iv) New small wireless facilities in the public right-of-way collocated on a new or replacement pole under Section 2619(A)(1) or Section 2619(A)(2) may not extend above the top of such poles.
- (2)** Except as provided for in this Section, equipment of communications service providers, electric service providers and wireless providers shall be installed underground in all zoning districts so long as placement underground will not materially impact the provision of service. Any individual requesting to locate equipment or facilities above ground in any zoning district has the burden to demonstrate by clear and convincing evidence that undergrounding will effectively prohibit the provision of the service in question.
- (i) Light poles and small wireless facilities collocated thereon may be located above ground in areas of the city where utilities or other equipment in the public rights-of-way are primarily located underground.
 - (ii) The city may: (i) allow collocated small wireless facilities placed aboveground before the effective date of this Zoning Ordinance and subject to any applicable pole attachment agreement to remain above ground; or (ii) allow the wireless provider to replace the pole associated with previously collocated small wireless facilities at the same location or propose an alternate location within 50 feet of the prior location, which the wireless provider shall use unless such alternate location imposes technical limits or significant additional costs.

- (3) Equipment of communications service providers, electric service providers and wireless providers in the historically or architecturally significant portions of the city shall be visually and architecturally integrated with surrounding area and shall not interfere with prominent vistas or significant public view corridors.
- (4) Equipment of communications service providers, electric service providers and wireless providers must not obstruct, impede, or hinder vehicular, pedestrian, or bicycle travel or public safety within the public rights-of-way, except for authorized temporary lane or sidewalk closures.
- (5) Equipment of communications service providers, electric service providers and wireless providers must be located in alignment with existing trees, facilities, poles, decorative poles, towers, as defined in 47 C.F.R. § 1.6100(b)(9), other equipment and streetlights.
- (6) Equipment of communications service providers, electric service providers and wireless providers must not be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.

F. Aesthetic standards.

- (1) Equipment of communications service providers, electric service providers and wireless providers must be compatible in size, mass, and color to similar equipment in the immediate area, with a goal of minimizing the physical and visual impact on the area.
- (2) New base stations, as defined in 47 C.F.R. § 1.6100(b)(1), support structures, towers, as defined in 47 C.F.R. § 1.6100(b)(9), and poles must be similar to immediate area poles in regards to diameter size with a surface that is powder-coated and color shall be staff approved administratively, unless another color would blend better with the surrounding area.
- (3) Equipment of communications service providers, electric service providers and wireless providers must be designed using camouflaging techniques that make it as unobtrusive as possible if:

- (i) It is not possible or desirable to match the design and color of equipment of communications service providers, electric service providers and wireless providers with the similar structures in the immediate area; or
 - (ii) Existing structures in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the city.
- (4)** Equipment of communications service providers, electric service providers and wireless providers shall incorporate specific concealment elements to minimize visual impacts. Unless it is determined that another design is less intrusive, or placement is required under applicable law, these concealment elements shall include:
- (i) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
 - (ii) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 - (iii) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
 - (iv) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- (5)** Every facility placed in the public rights-of-way shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site

number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

ARTICLE 2.5 - GENERALLY APPLICABLE REGULATIONS

Section 2.5.1 - Accessory Uses and Structures

- A. Applicability.** The standards of this Section apply to all accessory structures and uses in all districts, zones, and overlays, except where expressly stated otherwise.
- B. Accessory use permissions.**
 - (1) Where a principal use may be permitted by right or as a special use permit in Table 2.3.2-A - Comprehensive Principal Use Permissions Table, such use may be permitted as an accessory use to a separate principal use upon approval of the applicable permits.
 - (2) Home occupations may be permitted as an accessory use to any legally established dwelling per the provisions of Section 2.4.4 - Home Occupations.
 - (3) Short-term rentals may be permitted as an accessory use to any legally established dwelling.
 - (4) In non-residential districts, parking lots and parking garages may be permitted as an accessory use to a separate principal use, subject to all applicable standards.
- C. Timing of construction.** Accessory structures may not be constructed on a lot before the time of construction of the principal building to which it is accessory.
- D. Height limitation.** Accessory structures other than those serving agricultural uses may not be taller than the principal structure.

Section 2.5.2 - Parking and Loading

- A. Applicability.**
 - (1) Requirements for minimum off-street parking spaces within this Section apply to all districts, zones, and overlays except the Central Business District (CBD). Lots within the CBD are not required to provide on-site parking.

(2) Any parking and/or loading spaces that are voluntarily provided above the minimum requirements must comply with the applicable standards below.

B. Double counting of parking and loading spaces prohibited. Except where otherwise expressly stated in the UDC, no parking spaces or loading spaces required for any lot or building in compliance with the UDC may be included as part of the parking spaces or loading spaces similarly required for any other lot or building.

C. Walkways required. walkways must be provided as follows:

(1) Walks must be provided from parking areas and adjacent public sidewalks to building entrances.

(2) The walkways must be at least 4 feet wide and must be unobstructed by vegetation, parking spaces, steps, utility poles, and other permanent objects. On lots with one or more commercial use(s), walkways must be at least five feet in width and must be paved with a material that meets or exceeds the Americans with Disabilities Act accessibility requirements.

(3) If the walkways are abutting or within a vehicle use area, the walkways must be clearly marked and distinguished with reflective pavement markings. Vehicle use lanes within parking areas should be designed to avoid such walkways.

(4) If a walkway is crossed by a vehicle use lane, the walkway must be protected by bollards or a speed hump of at least 4 inches in height that is installed 2 feet in advance of the walkway.

D. Parking lots in Downtown Statesboro Development Authority (DSDA) overlay.

(1) Except where prohibited by the underlying zoning, new developments with any number of parking spaces and renovation projects with more than ten parking spaces may provide no more than 25% of off-street parking spaces in the front of the building. The remaining parking must be to the side or rear of buildings.

(2) The landscape strip required by Section 2.5.2 -I shall be landscaping with trees, shrubs, and flowers.

(3) Parking lots containing 40 or more spaces shall be divided into discrete areas separated by landscaping that do not exceed 30 parking spaces.

- E. On-site parking requirements.** Except within the CBD district, off-street vehicle parking is required as shown in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements.

Table 2.5.2-A – Comprehensive Vehicular Parking Requirements

Use	Minimum Parking Spaces Required
RESIDENTIAL USES	
Accessory Dwelling Unit	None
Cottage Court	1 per dwelling unit
Dwelling, One-Household	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit + 1 visitor space per 10 dwelling units
Dwelling, Two-Household	Lesser of 1 per bedroom or 2 per dwelling unit
Dwelling, Multi-Household (Three or Four)	Lesser of 1 per bedroom or 2 per dwelling unit
Dwelling, Multi-Household (Five or More)	1 per bedroom
Group Home	Lesser of 1 per bedroom or 2 per dwelling unit
Institutional Residential	1 per 2 beds
Live/Work Unit	None
Manufactured Home Park	1 per dwelling unit
COMMERCIAL AND OFFICE USES	
Alcohol-Consumption Establishments	1 per 2,000 square feet of customer service area
Business and Professional Offices	1 per 1,000 square feet of total floor area
Eating Establishments (with Seating)	1 per 1,000 square feet of customer service area
Eating Establishments (with No Seating)	2.5 per 1,000 square feet of customer service area
Entertainment Establishments	1 per 1,000 square feet of customer service area
Lodging Establishments	1 per guestroom + any required spaces for additional uses (e.g., eating establishments, offices)
Retail Establishments	1 per 500 square feet of customer service area ⁽¹⁾

Use	Minimum Parking Spaces Required
Service Establishments (Unless Specifically Named with Separate Parking Requirements)	1 per 1,000 square feet of customer service area
Vehicle-Related Establishments	1 per 1,000 square feet of customer service area
Wholesale Establishments	1 per 1,000 square feet of customer service area
INDUSTRIAL USES	
All Industrial Uses, except as specified below	1 per 2,000 square feet of total floor area
Self-Storage Facilities	1 per 20 storage spaces
Warehouse	1 per 5,000 square feet of total floor area
INSTITUTIONAL USES	
Educational Facilities	1 per 2,000 square feet of total floor area
Health Care Facilities	Lesser of (A) 1.4 for each 4 beds, if provided, or (B) 1 per 1,000 square feet of customer service area
Municipal, County, State, or Federal Uses	None
Public Assembly Facilities	1 per 1,000 square feet of customer service area
Public Utility Facilities	None
AGRICULTURAL AND RECREATIONAL USES	
Agriculture Uses	None
Playgrounds, Parks, and Other Recreational Uses	1 per 5,000 square feet of total land area
Table Notes:	
(1) The minimum number of parking spaces required for retail greenhouse or nursery uses is 1 per 500 square feet of customer service area within buildings.	

F. Modifications to parking count requirements.

- (1) The standards of this Section may be modified by the provisions of Article 2.4 - Specific Use Standards (A-Z) and by the provisions within Article 2.2 - Zoning Districts that expressly modify parking space requirements.

- (2) The minimum off-street parking requirement standards in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements may be modified by the provisions of Section 2.5.6 - Historic Preservation Incentives, where applicable.

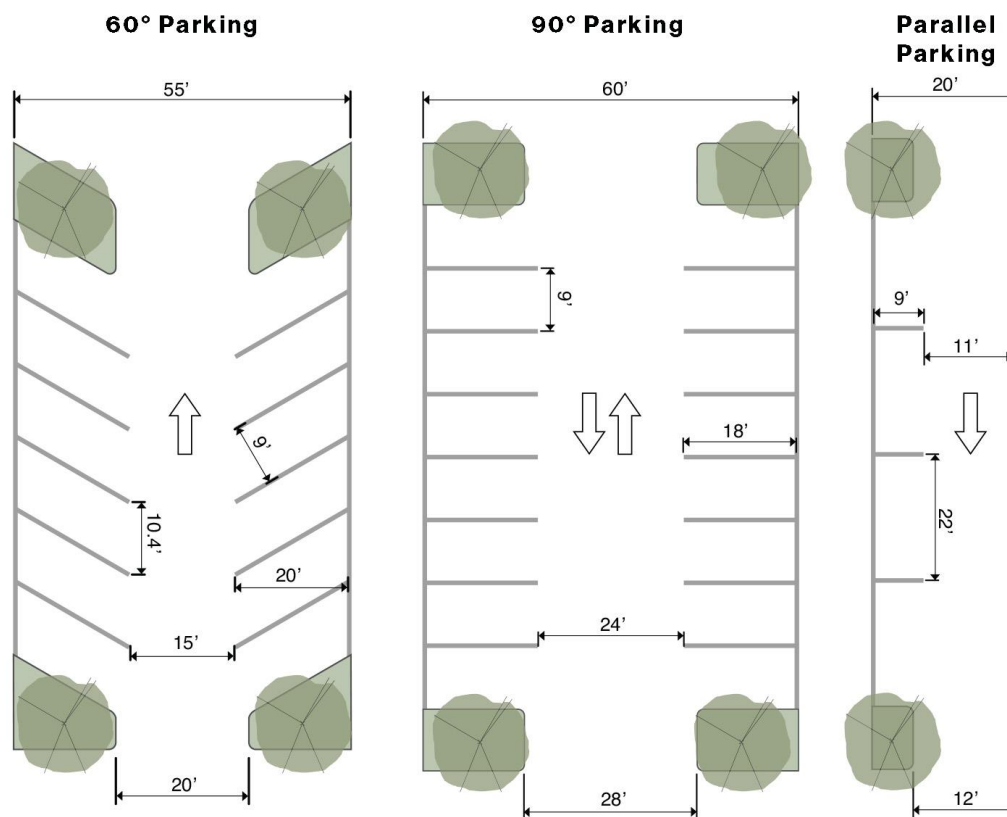
G. Shared and joint parking facilities.

- (i) **Shared parking between day and night users.** One-half of the off-street parking spaces required by a use whose peak attendance is at night or on Sundays may be shared with a use that are closed at night or on Sundays.
- (ii) **Joint parking.** Parking spaces that are proposed to be shared among two or more uses must be clearly available to all uses collectively and not appear to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.
- (iii) **Shared parking agreements.** Joint or shared parking arrangements involving two or more parcels must be committed to writing in an instrument acceptable to the zoning administrator and approved by the owners of each of the affected properties or uses. A copy of the agreement shall be filed for record with the Clerk of the Superior Court of Bulloch County.
- (iv) **Shared parking for multiple or mixed uses.** The zoning administrator may reduce the number of parking spaces required for a specific use by 20% when the following conditions are met:
 - (a) The uses are on the same lot, or inter-parcel access is provided between them; and
 - (b) A shared parking arrangement demonstrates that adequate parking will be provided for the affected uses.

H. Parking layout and design.

- (1) **Access.** All on-site parking must be arranged so that no vehicle is forced to back out on a public street or forced to use a public street, not including an alley, to gain access from one parking aisle to another parking aisle.

(2) Parking space and drive aisle standards. Parking spaces and drive aisles must meet the following dimensions. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a registered engineer in the State of Georgia with expertise in parking facility design, subject to approval by the zoning administrator.



(3) Drive-through stacking. Uses with a drive-thru facility that requires vehicles to wait for merchandise or service shall provide vehicular stacking spaces as follows:

- (i) Eating establishments (including coffee shops) must provide at least six spaces before the order board, and at least another four spaces between the order board and the transaction window.
- (ii) All other uses must provide at least four spaces before the first stopping point.
- (iii) Stacking spaces must be entirely on the property and must be designed so to not prohibit vehicles from entering or exiting parking spaces or the lot itself. Stacking spaces may not be within a required drive aisle.

- (iv) The zoning administrator may require applicants for new drive-throughs to submit documentation demonstrating the maximum anticipated weekly stacking demand. If such study finds that the proposed use has an insufficient number of stacking spaces to prevent vehicles from stacking within a public right-of-way, the zoning administrator may require additional stacking spaces to the extent necessary to mitigate the impact on the public right-of-way.
- (4) Parking lot and loading area landscaping.** All parking lots and loading areas must be landscaped per Section 2.5.2 -H.
- (5) Surfacing material.**
 - (i) All parking lots and loading areas shall be paved with concrete, asphalt, concrete/brick pavers or similar "all weather" surface materials approved by the UDC administrator. At least 20% of non-drive-aisle areas of parking lots must be paved with pervious surfacing materials, such as porous concrete, porous asphalt, or permeable pavers, that allow for the infiltration of stormwater runoff into the ground below. Pervious surfaces must be maintained per manufacturer's specifications to ensure ongoing runoff infiltration.
 - (ii) Notwithstanding the foregoing, the following may utilize contained alternative surfacing material to include, but not limited to, porous asphalt, turf, gravel, wood, mulch, and cobble for spaces other than areas dedicated for disability access:
 - (a) Parking lots that provide five spaces or less.
 - (b) Parking reserved exclusively for employees or company vehicles (provided in addition to minimum required spaces for customers).
 - (c) Parks, playgrounds, fields used for organized sports, fairgrounds, and other similar uses.
 - (d) Overflow parking areas for religious facilities, flea markets, produce stand or uses similar in nature.
 - (e) Other uses as approved by administrative variance.
 - (iii) An administrative variance may be granted from the paving, marking, and or curb/gutter requirements of this provision if negative impact to the environment

would occur, or, if the provision of alternative surface materials, curbing, or access control would be more compatible with the character of the area or more suitable for environmental, drainage, storm water, or other relevant considerations. Administrative relief may be granted from this provision upon a showing of facts substantiating the requested relief, rather than upon a showing of hardship.

- (6) Proper grading to eliminate sheet flow of drainage water onto sidewalks, public rights-of-way, and abutting property is required. Provisions may be necessary for the on-site collection and storage of drainage water. The effects of sheet flow may be mitigated using pervious surfaces for parking facilities.
- (7) Adequate aisles and turn-around areas must be provided so all vehicles may enter and exit the parking facility in a forward manner.
- (8) Clear and permanent markings must be provided to define individual parking spaces, drive aisles, drive lanes, and intersections in accordance with specifications approved by the UDC administrator. Markings are not required of spaces used exclusively for demonstration of inventory.
- (9) Wheel stops must be provided in all parking facilities that do not already have curbing for all spaces abutting property lines, buildings, and landscaping. No vehicle may overhang a public right-of-way. They must be a minimum of 4 inches in height and width and 6 feet in length. They must be firmly attached to the ground and so constructed as to withstand normal wear.
- (10) Parking facilities must be at all times maintained at the owner's expense in a clean, orderly, dust-free, and undeteriorated condition and in conformance with the provisions of this Section.
- (11) Parking facilities must be in conformance with the provisions of this Section before the issuance of a certificate of occupancy for the building served by the parking facilities or an occupational tax certificate for a business on the property.
- (12) Parking facilities must be constructed or enlarged and meet all applicable provisions of this Section when a new building is constructed, an existing building is enlarged,

additional dwelling units are created, or when a use is intensified by the addition of floor space, seating capacity, or change in use.

I. Landscaping requirements.

(1) Applicability. This Section applies to off-street parking lots, loading areas, and their perimeters.

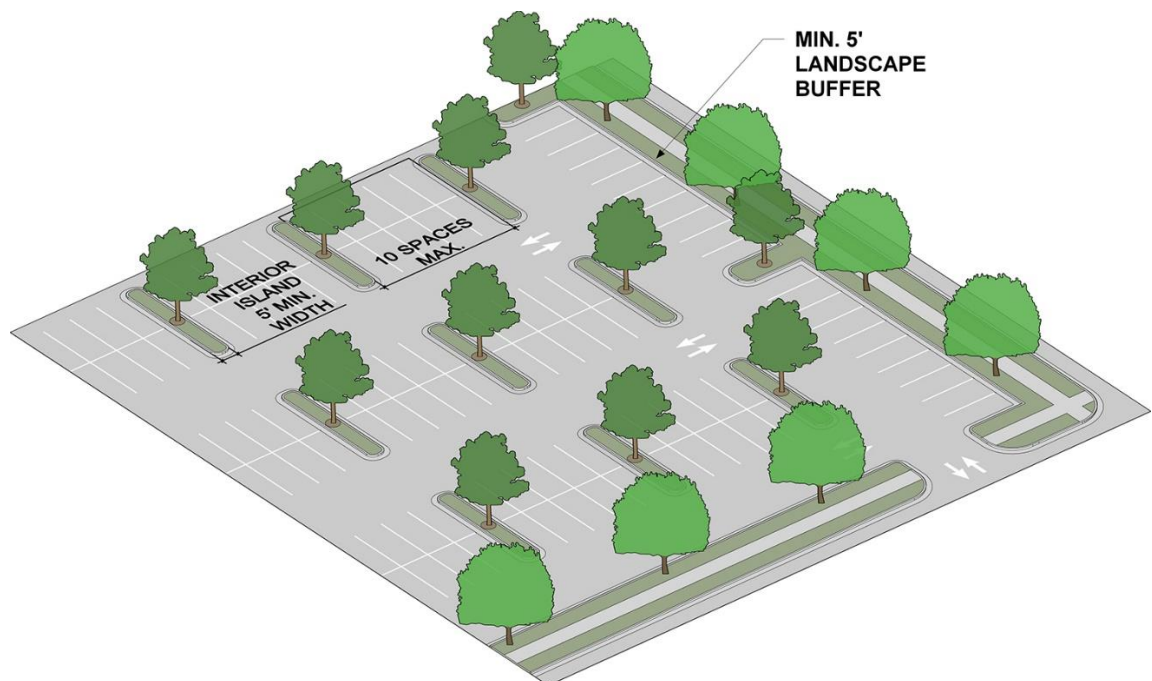
(2) Tree requirements.

- (i) Trees required by this Section must be at least three-inch caliper at time of planting and must be a medium or large canopy species listed in Section 4.1.12. At least 30% of the trees planted must be large canopy trees.
- (ii) Trees known to be intolerant of paving conditions or whose physical characteristics may injure the public shall not be used to comply with this Section.
- (iii) Trees must be planted and maintained as specified in Article 4.1 - Urban Forest Beautification and Conservation.
- (iv) Trees must be planted in open-space planters with mulch or suitable groundcover.
- (v) Open space planters may be constructed through the deletion of paving or asphalt behind the wheel stops, bumper stops, or curb.
- (vi) Trees must be located to avoid underground and overhead utilities.
- (vii) Parking lots and loading areas may be designed so that water runs into the landscaped areas to the greatest extent possible to maximize stormwater retention.

(3) Landscape buffers.

- (i) All parking lots and loading areas, regardless of size, must provide a landscape buffer at least five feet wide between the right-of-way line and the parking lot or loading area. Wider buffers may be required by Sec. 2.5.4.C.

- (ii) The landscape buffer must contain trees, shrubs, and ground cover planted in a uniformly distributed manner. Shrubs and ground cover must be selected from species that will not grow higher than 4 feet.
 - (iii) Trees must be planted in the landscape buffer at least 100 feet on-center.
- (4) Parking lot standards.** Parking lots with 30 or more parking spaces must contain landscaping and planting as follows:
- (i) A landscaped tree island is required for every 10 parking spaces. Interior tree islands must be distributed evenly throughout the parking lot. Interior islands may be consolidated, or intervals may be expanded to preserve existing trees.
 - (ii) Each tree island must include at least one tree.
 - (iii) Each interior island abutting a single row of parking spaces shall be at least 5 feet wide and 200 feet in area (excluding any curbs), unless a larger area is required by Section 4.1.2 -C(2)(i) for large canopy trees.
 - (iv) Each interior island abutting a double row of parking spaces must be at least 5 feet wide and 200 square feet in area (excluding any curbs), unless a larger area is required by Section 4.1.2 -C(2)(i) for large canopy trees.



(5) Other paved surface standards. See Section 4.1.2 -B(4) for additional standards for paved surfaces.

J. On-site loading standards. Certain properties require a minimum number of off-street loading spaces as identified in Table 2.5.2-B - Number of Required Loading Spaces. Loading spaces required by this Section must meet the applicable standards of Table 2.5.2-C - Loading Space Dimensional Standards.

Table 2.5.2-B - Number of Required Loading Spaces

Type of Property	Number of Off-Street Loading Spaces Required ⁽¹⁾
Commercial or Industrial Lots Improved with 10,000 Square Feet or More of Building Floor Area	1 loading space
Commercial or Industrial Lots Improved with 100,000 Square Feet or More of Building Floor Area	2 loading spaces
Office or Research Lots Improved with 20,000 Square Feet or More of Building Floor Area	1 loading space
Table Notes: (1) These standards do not apply to the CBD district.	

Table 2.5.2-C - Loading Space Dimensional Standards

Name of Standard	Requirement ⁽¹⁾
Length of Loading Space (min.)	50 feet
Width of Loading Space (min.)	12 feet
Table Notes: (1) These standards do not apply to the CBD district.	

K. Requirements for one-household and two-household residential parking. For one-household dwellings and two-household dwellings in any residential district (R-2, R-3, R-4, R-6, R-15, or R-40), the following restrictions apply:

- (1)** No person may park, place, or allow the parking or placement of an automobile, truck, trailer, motorcycle, all-terrain vehicle, recreational vehicle, boat, or similar item on an unimproved surface within the area between any outside wall of a house and

a property line which is also a public right-of-way boundary. If the property abuts more than one public right-of-way, this prohibition applies to the area between any outside wall of the house and any property line that is also a public right-of-way boundary.

- (2) Vehicles and other items as described above may be parked or placed on an unimproved surface only if located on a part of the property that is not between the house and a property line that is also a public right-of-way boundary and only if parked or placed in an orderly fashion.
- (3) The owner of the property must provide an adequate area meeting the provisions above for all vehicles and/or other items used or owned by residents or visitors to the property.
- (4) The zoning administrator has the authority to waive, in whole or in part, the provisions of Section 2.5.2 -K, above, in the event of a hardship related to physical constraints of the property or health of a resident of the property. The property owner must provide proof of a hardship sufficient to warrant a waiver.
- (5) All vehicles and other items referenced in Section 2.5.2 -K, above, must have valid and current license and/or registration as required by the State of Georgia and must be legally and safely operable as originally designed.

L. Parking and storage of certain vehicles in residential zones prohibited.

- (1) In residential districts, no person may park or store any vehicle over 10,000 pounds gross vehicle weight or 24 feet in length except for the purpose of loading or unloading such vehicle. The loading or unloading of such a vehicle must be done within a reasonable time but not to exceed 48 hours.
- (2) In residential districts, no truck body, trailer, or truck tractor, or part thereof may be parked or stored unless specifically authorized by this UDC. Recreational vehicles, motor homes, campers, boat trailers, and similar vehicles used solely for noncommercial or personal recreation use are not subject to this prohibition if such vehicle is parked or stored within a garage or enclosed area, or within the rear yard of a lot not closer than five feet to any lot line.

M. Parking garage design standards. Parking garages in the CBD, MX, and BMO districts must meet the following standards in addition to or as modified from all other applicable standards.

- (1) **Required setback.** Parking within parking garages must conform to the required setbacks in Table 2.5.2-D - Parking Garage Setbacks, as illustrated in Figure 2.5.2-A - Parking Deck with Active Frontage only on the Ground Story and in Figure 2.5.2-B - Parking Deck with Active Frontage on All Stories.

Table 2.5.2-D - Parking Garage Setbacks

Zoning District	Required Parking Garage Setbacks			
	From Arterial Collector (Ground Story)	From Arterial Collector (Upper Stories)	From Local Streets (Ground Story)	From Creek on the Blue Mile (All Stories)
CBD, MX	20 feet min.	None	20 feet min.	20 feet min.
BMO	20 feet min.	20 feet min.	20 feet min.	20 feet min.

- (2) **Active frontages.** Active frontages are required within the required setback. See Section 2.5.13 - Active Frontages.
- (3) **Interruption of active frontages.** Active frontages may be interrupted only for the smallest areas required to permit vehicles to enter and/or exit the parking garage, where such a curb cut is permitted.

Figure 2.5.2-A - Parking Deck with Active Frontage only on the Ground Story

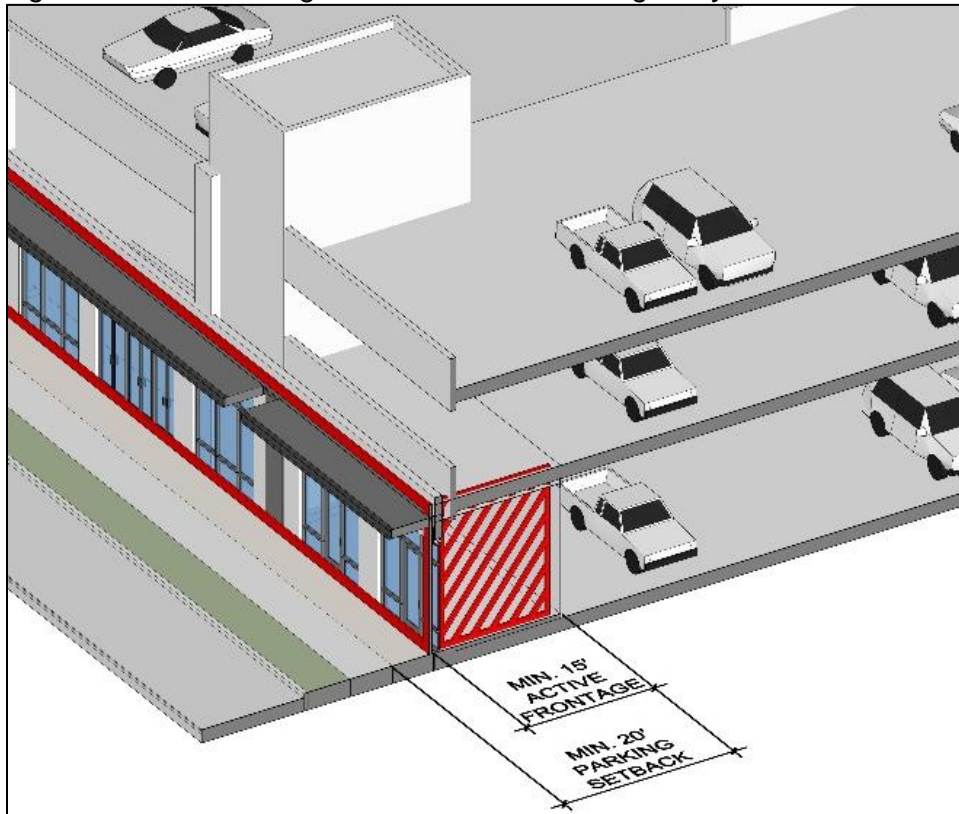
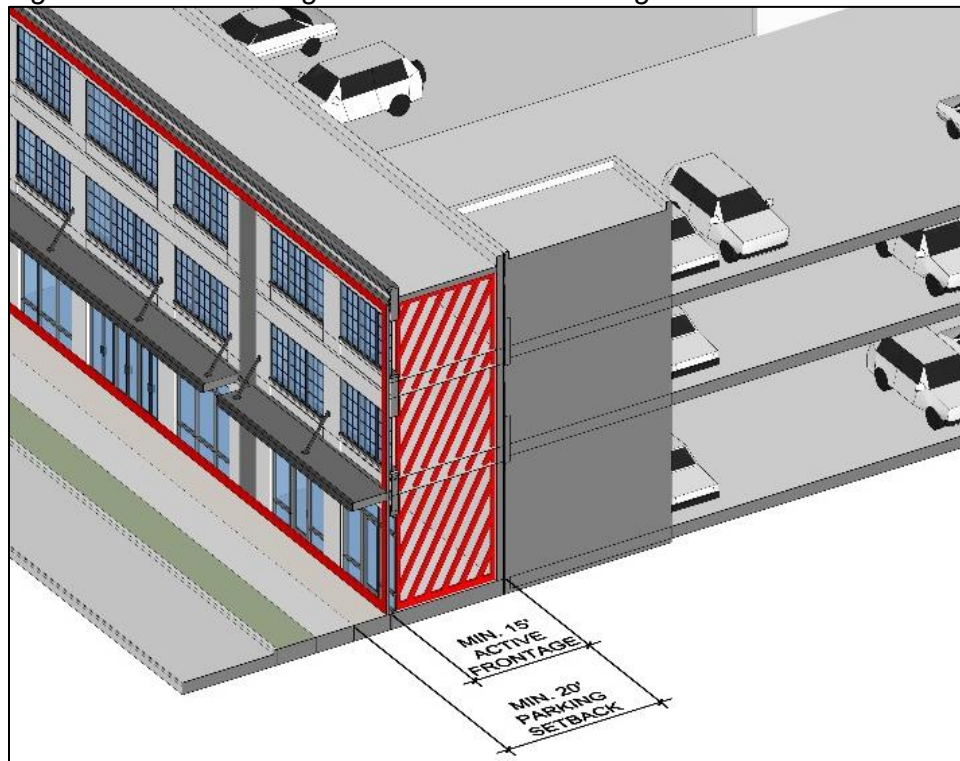


Figure 2.5.2-B - Parking Deck with Active Frontage on All Stories



Section 2.5.3 - Signs

- A. Purpose and intent.** The mayor and city council of Statesboro have determined that it is in the best interest of the health, safety, and welfare of the citizens of the city that a comprehensive and balanced system of control and regulation be enacted as to the placement, maintenance, and removal of signs within the city, said determination having been derived from, but not limited to the following concerns:
- (1) The safe and efficient flow of motor vehicle, bicycle and pedestrian traffic through the city which may otherwise be impeded by the indiscriminate proliferation of signage erected to attract the attention of the traveling public, and which if left unregulated, may result in hazards to travelers through the erection of increased numbers of larger, brighter or more distracting signs by owners attempting to convey competing messages;
 - (2) The protection of property values, both public and private, by assuring the compatibility of signs with surrounding land uses while balancing the community's variant interests of enhancing the commercial and economic atmosphere of the city

with the desire to maintain a tranquil aesthetic environment that eliminates visual clutter and blight through the management of hardscape features, including signage;

- (3) The interference with the ability of property owners to enjoy or use their property without undue visual obstruction, distraction or hazard;
- (4) The preservation and protection of properties and areas having historic, recreational, educational, cultural, religious values and environments, and prominent community gateways and major thoroughfares which, through orderly design and maintenance of the built environment—including signage, provide for community pride and exhibit clear community expectations that promote investment through a predictable development pattern;
- (5) The elimination of potential hazards arising during times of inclement weather or other natural disaster;
- (6) The provision of some signage that has the targeted purpose of promoting public safety, but for which the identification of such signage by description is difficult without referring to its incidental function; such as, address numerals or subdivision or major development entrance signage; which, is a tool for enabling the traveling public and emergency personnel to locate point of ingress and egress during visitation or emergency call response. While such signage is referenced based upon the function it serves within the context of this Zoning Ordinance, the provisions of this Zoning Ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners;
- (7) The control of the proliferation and placement of signs in an indiscriminate manner so as to pose a threat to the aesthetic and environmental values and qualities of life within the city;
- (8) Increasingly vibrant and distracting signs, including those incorporating LED and similar technology cause unique and substantial hazards to traffic caused by a higher level of distractability, are inconsistent with the standards established for major community thoroughfares and gateways, and demand greater diligence and resources in enforcing proper use and display than those signs not incorporating such technology; and,

- (9) In addition to the other concerns stated within this Section, specific districts, thoroughfares and gateways throughout the community, due to traffic volumes, population density, proximity to major community facilities, or other similar factors, may — absent the provision of reasonable land management regulations — be more susceptible to the proliferation of signage, banners and other similar displays than other parts of the city; but, have otherwise been determined by the community to be of significant importance in maintaining an orderly, moderated and consistent development pattern and a community character free of visual clutter including, but not limited to the following:
- (i) **Veterans Memorial Highway**. The city's principal by-way alternatively serves as a community greenway, providing for areas of natural landscape; and, where flanked by development, a soft transition between the natural and built environment. With few direct vehicular access points to adjacent property, abutting properties will remain rural or develop in a residential manner. Signs on this thoroughfare must remain limited in number and scale to avoid the inadvertent placement of signage in proximity to the city's neighborhoods and greenspaces that would not otherwise be permitted in residential areas and on residential streets. The allowance for unregulated signage will further reduce the highway's function as a community parkway, contradicting the community interest of providing for an orderly visual environment.
 - (ii) **Urban Core**. The city of Statesboro's historic downtown and central business district, and surrounding properties extending north to Parrish Street and south to Georgia Southern University are located in the Urban Core Character Area as identified in the Statesboro Comprehensive Plan (2009-19) and subsequent amendments. The Urban Core Character Area will redevelop with an urban characteristic that emphasizes buildings, streets, and streetscape transition between these elements, in a manner that is human in scale and focuses on pedestrian orientation — effectively serving as an extension of the traditional downtown development pattern. Signage in the Urban Core must be of a size and scale that works in harmony with preferred building patterns that promote pedestrian activity. Large, bright and signage of excessive size contradicts the desired development pattern of the urban core and makes mixed-use urban development patterns more difficult to implement over time by conflicting with

limited development space and resulting in open expanses of property that are undesirable or unsafe for pedestrian activity.

- (iii) **South Main Street and Fair Road (Urban Core Character Area to Veteran's Memorial Parkway).** These thoroughfares serve as principal gateways into the city, and provide direct access to facilities of regional and statewide importance including Georgia Southern University and East Georgia Regional Medical Center. Signs shall be encouraged that are creative and well-designed and that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive image for the city. Signs permitted to be placed in a haphazard manner and at a large scale, compete with adjacent buildings and properties for attention and lessen the importance of community institutions. Excessive amounts of signage will damage the community's "sense of place" and subsequently place the city at a disadvantage when competing for investment with communities that regulate their built environments in a more progressive manner.
- (iv) **East Main Street (Central Business District to Municipal Limits).** The eastern gateway into downtown Statesboro provides a soft transition from rural land uses into concentrated residential areas of varying density with limited supporting commercial services and substantial community open spaces including Mill Creek Regional Park. Emphasis along this thoroughfare should be placed on mixing substantial amounts of natural and manicured landscaping that provide increased value to residential areas. Signage of excessive size and scale directly conflicts with the passiveness of surrounding architecture, natural settings, and low to moderate density residential land uses, and will devalue adjacent residential property. Signs must be of smaller scale to reflect the neighborhood atmosphere of the area, and the local nature of supporting businesses, services and public facilities.

B. Applicability.

- (1) Unless otherwise provided in this Zoning Ordinance, no sign or other advertising device shall be erected, constructed, replaced, modified, changed by panels, modified, relocated, or structurally altered within city except in conformance with the standards of this Section.

- (2) References to “residence on an individual lot” shall mean any individual lot principally used for a one-household or a two-household residential dwelling.
- (3) References to “residential development or subdivision” includes all common entry signage into the development and all signage related to common areas and facilities.
- (4) References to "aggregate sign area" includes all freestanding or building signs regardless of whether a permit for a particular type of sign is required.

C. Sign districts established. Signs of certain types, characteristics, numbers, and dimensions are permitted in specific locations, and according to standards established by this Section and other applicable sections of this Article. For the purposes of categorizing suitable signs by location in the city, the following sign districts are established:

- (1) **Sign District 1.** Sign District 1 includes all Residential Districts (R-2, R-3, R-4, R-6, R-15, and R-40).
- (2) **Sign District 2.** Sign District 2 includes all properties zoned MX, HOC, or L-I that have frontage along Veterans Memorial Parkway or Highway 80.
- (3) **Sign District 3.** Sign District 3 includes all properties zoned O, MX, HOC, or L-I that are not within Sign District 2.
- (4) **Sign District 4.** Sign District 4 is the CBD district.

D. Permitted signs by sign district. Signs may be erected in those districts where the applicable sign type is allowed as identified in and per the requirements of Table 2.5.3-A - Sign Permissions and Permit Requirements by Type.

Table 2.5.3-A - Sign Permissions and Permit Requirements by Type

Sign Type	Sign District 1			Sign District 2	Sign District 3	Sign District 4
	Residence on an Individual Lot	Residential Development or Subdivision	Nonresidential Property			
● = No Permit Required ○ = Permit Required X = Prohibited						
FREESTANDING SIGNS						
Billboard	X	X	X	○	X	X
Incidental	●	●	●	●	●	●
Monument	X	○	○	○	○	○
Stanchion	X	X	X	○	X	X
Standard Informational Sign	●	X	X	X	X	X
BUILDING SIGNS						
Canopy	X	X	X	○	○	○
Incidental	X	●	●	○	○	○
Marquee	X	X	X	○	○	○
Projecting	X	X	X	○	○	○
Roof	X	X	X	X	X	X
Suspended	X	X	X	X	X	○
Wall	X	○	○	○	○	○
Window	●	●	●	●	●	●
MISCELLANEOUS SIGNS						
Banner	X	○	○	○	○	○
Flag	○	○	○	○	○	○
Portable	X	X	X	X	X	●
Temporary	X	○	○	○	○	○

E. Exempt signs. In addition to any sign exempted from requiring a permit in Table 2.5.3-A - Sign Permissions and Permit Requirements by Type, the following signs shall be exempt from permit requirements of this Zoning Ordinance, provided that the signs or devices erected or placed are located on property of the person who erects such signs or on property whose owner has given permission for such placement, and provided further that all other applicable standards of this Zoning Ordinance concerning the physical placement or dimensions of the sign are observed:

- (1) Any public notice or warning required by a valid applicable law, regulation, or Zoning Ordinance.
- (2) Seasonal or holiday lights and decorations.
- (3) Official traffic control signs and devices meeting the standards of the Manual of Uniform Traffic Control Devices.
- (4) Incidental signs and other signs on private property directing traffic, such as "Stop" or "Yield," that meet Georgia Department of Transportation standards.
- (5) Address numerals not exceeding 4 inches in height on residential properties or 8 inches in height on nonresidential properties.
- (6) Signs authorized by the City of Statesboro or any public agency for official purposes, including official notices issued by any court, public agency, or officer.

F. Prohibited signs. The following types of signs are prohibited in all zoning districts of Statesboro:

- (1) Animated signs.
- (2) Beacons.
- (3) Signs attached to, drawn or painted on trees, rocks, or utility poles.
- (4) Air and gas filled devices.
- (5) Strings of light not permanently mounted to a rigid background.
- (6) Fluttering ribbons or pennants other than flags as regulated within this Section.

- (7) No sign shall be constructed, erected, or maintained that uses the words "Stop," "Emergency," or "Danger," or uses emergency colors of red, blue, or amber, in such a manner as to imply danger or emergency, or which is a copy or imitation of an official traffic-control sign or device.
 - (8) Roof signs.
 - (9) Illuminated signs from which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
 - (10) Signs displaying any obscene message or obscenity as defined by U.S. Supreme Court decisions.
 - (11) Spectacular signs or devices.
 - (12) Signs attached to, painted on, or otherwise positioned in or on any vehicle or truck, whether having a current license or not, that is located in view of the street right-of-way when in a location for a period of time that indicates that the use of the vehicle is for displaying the sign to passing motorists or pedestrians, except where such signs are allowed on a temporary basis in association with a temporary event.
- G. Multiple lots.** If several lots of record, which are contiguous and adjacent, have been combined for a single purpose, then the lots shall be considered as a single lot in determining the size, height and use requirements as set forth by this Zoning Ordinance.
- H. Standards by sign type.**
- (1) **Flags.** Flags are limited to 24 square feet and, if attached to a flag pole, shall be flown on a pole not exceeding 25 feet in height in Sign Districts 1, 3 and 4. Flags in Sign District 2 shall not exceed 60 square feet in size nor be flown on poles higher than 40 feet. Two flags per property are permitted without a permit. Additional flags are subject to permitting as "temporary signs and banners" provided within this Section.
 - (2) **Window signs.** Window signs are allowed in all sign districts. Window signs shall cover no more than 30% of any window or door pane area. Window signs on residential properties are included as a portion of those properties' maximum aggregate sign allowance.

- (3) Portable signs.** Individual businesses in Sign District 4 are allowed one nonilluminated portable sidewalk sign of an A-frame or easel construction per public street frontage during business hours. Such signs shall be located within one foot of the entrance to the business and may be located on unimproved public rights-of-way and on public sidewalks, provided they are not within 3 feet of the curb. Such signs shall not impede pedestrian or vehicular traffic or obstruct the view of drivers entering or exiting property or intersecting streets. Such signs shall further not exceed five feet in height or 2 feet in width and shall be removed by the owner at the end of each business day.
- (4) Standard informational signs.** Each owner and/or occupant of residential property shall be allowed to erect one standard informational sign on that owner/occupant's property without first obtaining a permit; provided that during the time period between the opening of qualifying for any election through the date on which all offices and issues in that election have been finally determined, an unlimited number of standard informational signs may be posted on residential property by the owner/occupant.
- (5) Temporary signs and banners.** Permits for temporary signs or banners on private property, excluding standard informational signs on a residential property, shall be allowed upon issuance of a temporary sign permit, which shall be subject to the application procedures required in Section 2.7.2 - Sign Permits, and the following additional requirements:
- (i) A temporary sign permit shall be permitted for a period of up to 30 days.
 - (ii) No more than three permits shall be issued for a property in any calendar year, except that no temporary sign permits may be issued for a "residence on an individual lot" as defined in Section 2.5.3 -B.
 - (iii) Permitted temporary signs or banners shall adhere to the applicable standards of this Zoning Ordinance which would otherwise apply to a sign intended to be erected on a permanent basis including, but not limited to size, height, setback, placement on a building elevations, etc.

- (iv) Permitted temporary signs or banners shall not include any illumination or any feature or characteristic which would also meet the definition of a changeable copy sign.
- (v) Permitted temporary signs or banners shall pose no significant threat to person or property in the event of inclement weather.

(6) Billboards.

- (i) **General.** All signs located on sites abutting or visible from the right-of-way of roads in the state highway system shall meet all federal and state requirements necessary to obtain a permit. If the provisions of this Zoning Ordinance are more restrictive than the provisions of state and federal law, then this Zoning Ordinance shall prevail and control.
- (ii) **Size and number.** No billboard (display area and attached trim) shall exceed 300 square feet in size. No more than one sign per sign structure may face the same direction. In addition to a single-face billboard, this provision only allows back-to-back and V-shaped side-by-side signs.
- (iii) **Location and orientation.** Only one billboard shall be allowed per platted lot. No billboard shall be placed on any lot that contains a monument sign or stanchion sign. Billboards shall be oriented so that the sign face projects toward the thoroughfare along which it is permitted and located.
- (iv) **Distance from public properties and institutions.** No billboard shall be erected within 500 feet of the nearest property line of any public park, public playground, public recreation area, public forest, public university or other public school, scenic area, or cemetery.
- (v) **Radial spacing.** No billboard shall be permitted to be erected within 1,000 feet of another existing billboard regardless of the jurisdiction in which the existing billboard is located.
- (vi) **Setback and height.** The display area of a billboard shall be setback no less than 20 feet, and no greater than 100 feet from the right-of-way line of any street or highway. The total height of the outdoor advertising sign(s) shall not be greater than 25 feet when measured from grade level to the topmost edge of the sign.

- (vii) **Extrusions prohibited.** Extrusions beyond the face of the sign, excluding aprons, are prohibited.
 - (viii) **Illumination.** All illuminated signs shall use base or top mounted lights and shall be activated by photoelectric cells. Additional lighting including but not limited to neon, animation, and running lights are prohibited. No lighting shall impair the vision of the traveling public in any way.
 - (ix) **Historic area locations prohibited.** No billboard shall be placed in or obstruct the view of an area of a designated historical site in the city. No billboard shall be placed within 500 feet of a designated historical district or site. No billboard shall be placed within a Downtown Statesboro Development Authority (DSDA) overlay. Historical districts and sites shall be listed in the state or national register.
 - (x) **Expiration of approval.** The approval for the placement of a billboard shall be void if the applicant fails to obtain a building permit within six months from the date of authorization thereof or if the applicant fails to complete erection of the billboard within six months of obtaining a permit.
 - (xi) **Required fall zone.** No buildings, structures, parking, or appurtenances may be constructed within the fall zone of a billboard, except that when the fall zone extends beyond the property line of the parcel on which the billboard is located, then buildings, structures, parking, or appurtenances shall not be restricted on the adjacent property. A fall zone shall be that area equal to 100% of the height of the billboard in every direction from the billboard. No billboard shall be constructed in a location where the fall zone of the proposed billboard includes any buildings, structures, parking, or appurtenances.
 - (xii) **Subdivision restricted.** No subdivision of a parcel containing a billboard shall be permitted unless the subdivided lot containing the billboard is large enough to encompass the entire fall zone of such billboard.
- I. **Signs in the public right-of-way.** No signs shall be allowed within the public right-of-way or other public property, except for the following:
- (1) Public signs erected by or on behalf of a governmental body that exercises jurisdiction over that right-of-way.

- (2) Information signs of a public utility regarding its poles, lines, pipes, or facilities.
- (3) Emergency warning signs erected by a governmental body, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
- (4) Portable signs that meet all applicable standards.
- (5) Signs authorized by the city or any public agency for official purposes, including official notices issued by any court, public agency, or officer.

J. Maximum total permitted sign area for each lot.

- (1) The permitted total of the area of all individual signs on a lot shall be computed by applying the applicable aggregate sign area formulas from Table 2.5.3-B - Sign District 1 Dimensional Standards, Table 2.5.3-C - Sign District 2 Dimensional Standards, Table 2.5.3-D - Sign District 3 Dimensional Standards, and Table 2.5.3-E - Sign District 4 Dimensional Standards to the lot or building frontage, or wall area, for the zoning district in which the lot is located.
- (2) Banner signs, flag signs, incidental signs, portable signs, standard informational signs, and temporary signs shall not be calculated as part of the aggregate sign area referenced in Table 2.5.3-B - Sign District 1 Dimensional Standards, Table 2.5.3-C - Sign District 2 Dimensional Standards, Table 2.5.3-D - Sign District 3 Dimensional Standards, and Table 2.5.3-E - Sign District 4 Dimensional Standards.
- (3) If a given lot has frontage on two or more streets, it is allowed the permitted sign area for each street frontage.

K. Dimensional standards by sign district. Signs may be erected in those districts where the applicable sign type is allowed and per the standards in Table 2.5.3-B - Sign District 1 Dimensional Standards, Table 2.5.3-C - Sign District 2 Dimensional Standards, Table 2.5.3-D - Sign District 3 Dimensional Standards, and Table 2.5.3-E - Sign District 4 Dimensional Standards.

Table 2.5.3-B - Sign District 1 Dimensional Standards

Sign District 1 Standards	Residence on an Individual Lot	Residential Development or Subdivision	Nonresidential Use
AGGREGATE SIGN AREA:			
Total Sign Area (max.)	12 square feet	Not applicable	80 square feet
FREESTANDING SIGNS: ⁽¹⁾			
Sign Area (max.)	4.5 square feet	40 square feet (per development entrance sign) 18 square feet (per sign identifying a development common area or facility)	40 square feet
Sign Height (max.)	3 feet	6 feet	8 feet
Setback Requirements (min.)	5 feet	5 feet ⁽²⁾	5 feet
Number of Signs (max.)	1	2 sign structures per entrance to the development or subdivision	1 sign structure per road frontage not to exceed the maximum allowable square footage and a total of two such signs
BUILDING SIGNS: ⁽¹⁾			
Sign Area (max.)	N/A	18 square feet	40 square feet
Sign Height (max.)	N/A (window signs only)	Height of building	Height of building
Number of Signs (max.)	N/A	1 per building serving as the principal structure in a common area or facility	1 per building elevation with street frontage.
Table Notes:			
(1) Illumination of building signs or freestanding signs is prohibited on any residence on an individual lot. Land uses within Sign District 1 which may otherwise utilize illumination, shall not incorporate internal illumination.			
(2) Freestanding signs may provide a smaller setback if they are incorporated into the street right-of-way as part of a landscaped entryway feature, but shall limited to a maximum of one such sign and shall meet the sign			

Sign District 1 Standards	Residence on an Individual Lot	Residential Development or Subdivision	Nonresidential Use
placement and maintenance agreements as have been approved as part of a major subdivision approval process established in Chapter 3 - Subdivisions.			

Table 2.5.3-C - Sign District 2 Dimensional Standards

Sign District 2 Standards	Signs for an Individual Establishment on an Individual Lot	Major Signs for Planned Nonresidential Development	Signs for Individual Establishments within a Planned Nonresidential Development
AGGREGATE SIGN AREA: ⁽¹⁾			
Total Sign Area (max.)	350 square feet	300 square feet if total floor area of development is 50,000 square feet or less; 500 square feet if total floor area of development is greater than 50,000 square feet	Not applicable
FREESTANDING SIGNS: ⁽²⁾			
Sign Area (max.)	200 square feet	Not applicable	Not applicable
Sign Height (max.)	20 feet on state or federal highway frontage; 8 feet on local frontage	20 feet on state or federal highway frontage; 15 feet on local frontage	Not applicable
Setback Requirements (min.)	5 feet	5 feet	Not applicable
Number of Signs (max.)	1 sign structure per road frontage; up to 2 signs total	1 sign structure per road frontage; up to 2 signs total	Not allowed
BUILDING SIGNS:			
Sign Area (max.)	150 square feet	90 square feet	Greater of 90 square feet or 5% of wall area allotted

Sign District 2 Standards	Signs for an Individual Establishment on an Individual Lot	Major Signs for Planned Nonresidential Development	Signs for Individual Establishments within a Planned Nonresidential Development
			to the individual establishment
Sign Height (max.)	Building elevation height	Building elevation height	Building elevation height
Maximum Projection from Building (for Canopy Signs or Projecting Signs)	3 feet	3 feet	3 feet
Minimum Clearance between Bottom of Sign and Grade (for Canopy Signs or Projecting Signs)	9 feet	9 feet	9 feet
Table Notes: (1) Where a billboard is proposed, the aggregate sign area shall not exceed the combined maximum number of total square feet permitted for the billboard and the building sign. (2) Billboards are subject to separate dimensional standards specified in Section 2.5.3 - Signs.			

Table 2.5.3-D - Sign District 3 Dimensional Standards

Sign District 3 Standards	Signs for an Individual Establishment on an Individual Lot	Major Signs for Planned Nonresidential Development	Signs for Individual Establishments within a Planned Nonresidential Development
AGGREGATE SIGN AREA:			
Total Sign Area (max.)	200 square feet	200 square feet if total floor area of development is 50,000 square feet or less; 300 square feet if total floor area of development is greater than 50,000 square feet	Not applicable
FREESTANDING SIGNS:			
Sign Area (max.)	90 square feet	Not applicable	Not applicable
Sign Height (max.)	8 feet	15 feet	Not applicable
Setback Requirements (min.)	5 feet	5 feet	Not applicable
Number of Signs (max.)	1 sign structure per road frontage; up to 2 signs total	1 sign structure per road frontage; up to 2 signs total	Not allowed
BUILDING SIGNS:			
Sign Area (max.)	Greater of 50 square feet or .75 square feet per lineal width of building elevation	60 square feet	Greater of 60 square feet or 5% of wall area allotted to the individual establishment
Sign Height (max.)	Building elevation height	Building elevation height	Building elevation height
Maximum Projection from Building (for Canopy Signs or Projecting Signs)	3 feet	3 feet	3 feet

Sign District 3 Standards	Signs for an Individual Establishment on an Individual Lot	Major Signs for Planned Nonresidential Development	Signs for Individual Establishments within a Planned Nonresidential Development
Minimum Clearance between Bottom of Sign and Grade (for Canopy Signs or Projecting Signs)	9 feet	9 feet	9 feet
Table Notes: [Reserved]			

Table 2.5.3-E - Sign District 4 Dimensional Standards

Sign District 4 Standards	Signs for an Individual Establishment on an Individual Lot	Signs for Individual Establishments within a Planned Nonresidential Development or a Contiguous Row of Structures
AGGREGATE SIGN AREA:		
Total Sign Area (max.)	100 square feet	Not applicable
FREESTANDING SIGNS:		
Sign Area (max.)	60 square feet	Not applicable
Sign Height (max.)	8 feet	Not applicable
Setback Requirements (min.)	2 feet	Not applicable
Number of Signs (max.)	1 sign structure per road frontage	Not allowed
BUILDING SIGNS:		
Sign Area (max.)	100 square feet	Greater of 60 square feet or 5% of wall area allotted to the individual establishment
Sign Height (max.)	Building elevation height if building is one-story; 24 feet if building is two or more stories	Building elevation height if building is one-story; 24 feet if building is two or more stories

Sign District 4 Standards	Signs for an Individual Establishment on an Individual Lot	Signs for Individual Establishments within a Planned Nonresidential Development or a Contiguous Row of Structures
Maximum Projection from Building (for Canopy Signs or Projecting Signs)	3 feet	3 feet
Minimum Clearance between Bottom of Sign and Grade (for Canopy Signs or Projecting Signs)	9 feet	9 feet
Table Notes: [Reserved]		

L. Sign Materials.

- (1) **All monument signs.** The base of all monument signs shall be faced in full-depth brick or natural stone, Monument signs shall have a base faced in full-depth brick or natural stone, or synthetic stone.
- (2) **Sign District 1.** All signs within a residential development or subdivision in Sign District 1 shall be constructed of brick, stone, masonry, wood, or equal architectural material, as determined at the discretion of the zoning administrator.
- (3) **Sign District 4.** All signs within Sign District 4 shall be constructed of wood, metal, stone, composite, or fabric materials. All other signs within Sign District 4 shall be constructed of wood, metal, stone, or stone composite materials.

M. General illumination standards. Signs for which a permit is required may incorporate a degree of variable imagery or illumination per the permissions in Table 2.5.3-F - Imagery and Illumination by Sign District, subject to all other applicable standards of this Zoning Ordinance.

Table 2.5.3-F - Imagery and Illumination by Sign District

○ = Permit Required X = Prohibited Imagery or Illumination Type	Sign District 1		Sign District 2	Sign District 3	Sign District 4
	Residence on an Individual Lot	All Other Areas			
Animated	X	X	X	X	X
Changeable Copy	X	X	○	○	○
Illumination	X	○	○	○	○
Tri-Vision	X	X	X	X	X

- (1) Changeable copy signs.** Changeable copy signs are permitted as an integral part of any permanent signs which meet all other requirements of this Zoning Ordinance, and further subject to the following restrictions:
- (i) The changeable copy portion of the sign shall not exceed 50% of the overall display surface area of the sign, or 20 square feet, whichever is less. Manual and electronic changeable copy fuel price digits shall not be counted in the permitted changeable copy area so long as they comply with the overall area limitations for the signs on which they are placed.
 - (ii) The total display area of any sign containing changeable copy panels shall not exceed the size limitations imposed elsewhere in this Section or this Zoning Ordinance.
 - (iii) Only static displays shall be permitted. Changes are limited to the instant replacement of unrelated text, incorporating no transitional sequence between messages, such as dissolves, fades scrolling or other similar actions.
 - (iv) Messages displayed on changeable copy signs shall change no more frequently than eight seconds.

- (v) Changeable copy signs will only be allowed as part of the original construction and erection of a sign which complies with the specifications required by this Article, or as part of a significant structural alteration to an existing sign, and thus being an integral part of that sign, and in the case of an existing nonconforming sign such structural alteration will otherwise bring the sign into compliance with the other dimensional requirements of the Sign District within which it is located. Changeable copy signs which exceed the specifications contained herein and which are altered in form by the addition of structural materials to meet the requirements of this Section are not permitted.
- (2) **Illumination.** Where internal or external illumination of signs is permitted within this Article, no lighting arrangement shall impair the vision of the traveling public in any way.
- (3) **Reflective surfaces.** Sign faces shall not incorporate reflective surface materials which may obstruct, impair, or interfere with the vision of the traveling public in any way.
- N. Illumination standards in Sign District 4.** Where applicable and permitted, signage that incorporates illumination within Sign District 4 shall meet the following standards:
 - (1) **Externally illuminated sign.** An externally illuminated sign shall have concealed wiring and controls and shall have shielded and screened external light sources.
 - (2) **Internally illuminated sign.** Internally illuminated signs must completely shield the source of light from direct view. Internal illumination of building signs is prohibited.
 - (3) **Hazards.** Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.
 - (4) **Light pollution.** Sign illumination shall not cast light directly upon adjacent properties or roadways. Mixed-use properties shall be illuminated in such a manner as to not cast light directly into residential units.
 - (5) **U.L. listing.** All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of the sign.

- (6) **Signs near intersections.** No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- (7) **Notification to Downtown Statesboro Development Authority.** The Downtown Statesboro Development Authority shall be notified of any application made pursuant to this Section in Sign District 4 and shall be granted the opportunity to comment as to permit issuance.

O. Design, construction, and maintenance.

- (1) All signs shall be designed, constructed, and maintained in accordance with the applicable provisions of the Standard Building Code and National Electrical Code as adopted by the city. All signs must be designed to withstand winds of 105 miles per hour.
- (2) With the exception of temporary, special event, or spectacular and window signs, all signs shall be constructed of permanent materials and permanently attached to the ground, building, or any other structure.
- (3) All signs shall be maintained in good structural condition, aesthetically pleasing in appearance, and in compliance with all building and electrical codes. The following are some examples of deficiencies which reflect a lack of care: rust spots; loose boards; paint or lettering faded; paint chipping or peeling; lights not working or burned out; colored or transparent panels used with backlighting which are missing, broken, faded or damaged; inspection plates loose or missing; or overall sign appearance not consistent with the other signs in the general area.

Section 2.5.4 - Landscaping and Buffering

A. Side and rear yard buffers.

- (1) Except within the CBD zoning district, whenever any nonresidential use abuts a residential zoned area, or when multi-household dwellings are adjacent to one-household dwellings or two-household dwellings, or a mobile home park, one of the following buffers shall be installed on the lot with the more intensive and least restrictive use along the common lot lines.

- (i) **Natural buffer strip.** A strip at least 50 feet wide, having an existing natural growth equivalent to a densely planted evergreen screen. A landscape plan identifying all existing trees of 6-inch caliper or greater which are to be retained inside the 50-foot natural buffer strip along with any proposed trees and shrubs must be approved by the zoning administrator before any site construction. The zoning enforcement officer may require additional planting to acquire a uniform buffer strip.
 - (ii) **Landscape buffer strip.** A strip at least 10 feet wide, densely planted with shrubs and/or trees at least 3 feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least 6 feet within three years. A landscape plan identifying all plants to be incorporated in the buffer strips must be approved by the zoning administrator before any site construction. The zoning administrator may require additional planting to acquire a uniform buffer strip.
 - (iii) **Landscape buffer wall.** A buffer strip at least 10 feet wide, containing an opaque wall or barrier or uniformly painted fence at least 6 feet in height. The buffer strip shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip. A landscape plan identifying the location and construction of the wall or barrier, and all plants to be incorporated in the buffer strip must be approved by the zoning administrator before any site construction. The zoning administrator may require additional planting to acquire a uniform buffer strip.
- (2) This Zoning Ordinance will allow any of these three above-described buffers or a combination thereof to provide flexibility in design.
- (3) In addition to the requirements of this Section, the requirements of Section 2.5.5 -D shall apply in (HOC) Highway Oriented Commercial Districts.

B. Front yard and corner side yard buffers. Except within the CBD zoning district, the following front yard and corner side yard buffer requirements apply to all nonresidential and multi-household dwelling uses adjacent to a local street and directly across from a

one-household dwelling or two-household dwelling. The requirements also apply to all parking areas for two-household dwellings and one-household attached dwellings:

- (1) A 15-foot minimum landscape buffer containing trees, shrubs, and ground cover must be placed between the right-of-way line and any structure or parking lot, planted in a uniformly distributed manner. Selection of shrubs and ground cover should be such that no shrub or ground cover should grow higher than 4 feet.
- (2) All buffers shall follow the sight distance requirements as stated in current GDOT standards.
- (3) Freestanding signs may be incorporated into the buffers.

C. Parking lots and loading areas. Landscaping is required is specified in Section 2.5.2 -I Landscaping requirements.

D. Exceptions to buffering requirements. The landscaping and buffering requirements set forth in this regulation shall be subject to the following exceptions:

- (1) Prescribed front yard buffers are not required in front of buildings that are less than 10 feet from the public sidewalk and when the areas between the building and the sidewalk is hardscaped for pedestrian enjoyment, outdoor dining, outdoor display, or similar uses.
- (2) Prescribed fence or walls may be waived if a building, fence, or wall of at least equivalent height, capacity, and maintenance exists immediately abutting and on the opposite side of said lot line.
- (3) An earthen berm not exceeding 2 feet in height may count towards the prescribed height of any fence, wall, or dense landscaping.
- (4) At no time should the buffering of a side or rear lot line come closer than 20 feet to any street line.

E. Maintenance of buffers.

- (1) All required plantings shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls

shall be permanently maintained in good condition, and whenever necessary, repaired or replaced.

- (2) In the event that the owner fails to maintain a buffer as required, the city shall have the right to go onto said property, maintain said buffer, and assess the property owner in the same manner as for taxes.

Section 2.5.5 - Fences, and Walls, and Screening

A. Unsightly or unsanitary storage. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety or to have a depressing influence upon property values in the area.

B. Required screening, generally.

- (1) Screening shall be required around all dumpsters, loading docks, mechanical features, and outdoor storage that are otherwise visible from ground level along an adjacent public right-of-way.
- (2) Screening may be accomplished by a wall, fence, evergreen hedge, other similar enclosure, or combination thereof that is has a minimum height of 6 feet and a maximum height of 8 feet. This provision shall not be construed to prohibit incorporating the side of a building, which may be taller than 7 feet, as a portion of the required enclosure.
- (3) Screening may not be required where equivalent screening is provided by topography or other natural conditions.

C. Screening of junkyards. Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, owners of such properties shall completely enclose such operations by a fence with completely obscured views of the property from adjacent sidewalks and streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property provided that no fence shall be less than 6 feet nor more than 15 feet in height when measured from the crown of the adjacent street(s). Such fences shall be constructed of solid materials.

Construction of cyclone fencing which utilizes metal inserts as screening are prohibited. Fencing along street frontages shall be located no closer than 90 feet from the centerline of the adjacent street.

D. Screening of the HOC District.

- (1) The HOC district shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge, or other suitable enclosure of minimum height 6 feet and maximum height 8 feet, placed at least 2 feet inside the HOC district property line.
- (2) The area between such enclosure and/or screening area may not be required if equivalent screening is provided by existing parks, parkways, recreational areas, or by topography or other natural conditions.

Section 2.5.6 - Historic Preservation Incentives

- A. Purpose and intent.** The purpose and intent of this Section is to provide optional incentives for the retention, rehabilitation, and adaptive reuse of heritage buildings and historic buildings in Statesboro. The provisions within this Section shall modify or supersede any applicable conflicting standards within the UDC.
- B. Exclusion from minimum parking space requirements.** The minimum off-street parking requirement standards in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements shall not apply to uses in heritage buildings, historic buildings, or portions thereof.
- C. Exclusion from building coverage of lot measurement.** Heritage buildings and historic buildings shall be excluded from the building coverage of lot calculations required in Table 2.3.3-A - Comprehensive Dimensional Standards Table. This exclusion includes accessory structures such as barns, carriage houses, garages, and similar buildings that qualify as heritage buildings or historic buildings.
- D. Modification of building coverage of lot standards.** The maximum building coverage of lot measurement required in Table 2.3.3-A - Comprehensive Dimensional Standards Table may be increased by up to 5% for each retained heritage building or historic building that is at least 1,000 square feet in gross floor area.

- E. Modification of open space requirements.** The footprint area of retained heritage buildings or historic buildings may be counted towards open space requirements.

Section 2.5.7 - Lighting

- A. Purpose and intent.** The purpose and intent of this Section is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.
- B. Conformance with applicable codes.** All outdoor illuminating devices must be installed in conformance with the provisions of this UDC, the Building Code, and the Electrical Code as applicable and under appropriate permit and inspection.
- C. Applicability.**
 - (1) New fixtures:** All lighting fixtures installed after the effective date of this UDC must conform to all applicable standards and requirements of this Section.
 - (2) Existing fixtures:** Routine maintenance, including changing the lamp, ballast, starter, photo control, housing, lens and other required components, is allowed for all existing fixtures. The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Section.
 - (3) Additions:** When an existing building, use or site is increased in gross floor area or improved site area by more than 50% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the lighting requirements of this Section.
 - (4) Change in use:** A change in use does not trigger application of this Section.
- D. Exempt lighting.** The following luminaires and lighting systems are exempt from the requirements of this Section:

- (1) Interior lighting, except those listed as prohibited lighting, below;
- (2) Lighting for pools used at night;
- (3) Underwater lighting used for the illumination of swimming pools and fountains;
- (4) Temporary holiday lighting;
- (5) Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
- (6) Emergency lighting used by police, fire, or medical personnel, or at their direction;
- (7) All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;
- (8) Street lighting in public rights-of-way; and
- (9) Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

E. Prohibited lighting. The following lighting systems are prohibited:

- (1) Aerial lasers;
- (2) Rope lighting, including grope lighting located on the interior of a building;
- (3) Searchlight style lights, temporary searchlights may be turned on for 8 hours within a 24-hour period and for no more than 3 consecutive days, once each calendar year;
- (4) Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more; and
- (5) All lighting with off-site light spillover that produces a glare which creates a safety or traffic hazard.

F. Outdoor lighting standards. All nonexempt outdoor lighting fixtures must meet the following criteria:

- (1) All lighting fixtures (luminaries) must be cutoff luminaries whose source is completely concealed with an opaque housing capable of shielding the light source from direct view from any adjoining residential property or public right-of-way.

Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.

- (2) Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of the site. The maximum mounting height for a pole is 35 feet.
- (3) All site lighting must be designed so that the maximum levels of illumination any one point conform to the standards in Table 2.5.7-A - Illumination Levels.

Table 2.5.7-A - Illumination Levels

Location of Lighting	Maximum Foot-candles
Parking Garages	60.0
Landscaped Areas	5.0
Outdoor Sports, Recreation Fields, or Performance Areas	See Section 2.5.7 -G(1)
Service Station Canopy	See Section 2.5.7 -G(2)
Parking Lots (Excludes One-Household Residential)	See Section 2.5.7 -G(6)

- (4) Strings of lights or other similar accent lighting may be installed on trees and landscaping and on buildings below the roofline.
- (5) Flag poles may be illuminated by fully shielded spotlight light fixture or fixtures which shall not create off-site glare or light spillover above the established limits. The light fixture(s) must be placed as close to the base of the flag pole as possible.

G. Use-specific lighting standards. All lighting not directly associated with the special use areas designated below must conform to the lighting standards described in Table 2.5.7-A - Illumination Levels.

- (1) **Outdoor sports, recreation fields, or performance areas.** Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:
 - (i) Luminaires: Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college

play, semi-professional, professional or national levels of play shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires shall include those which are provided with internal or external glare control louvers or lenses, are installed to minimize uplight and offsite light trespass and glare and are installed and maintained to avoid aiming more than 2.5 times the mounting height.

- (ii) **Illuminance:** All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
- (iii) **Off-site spill:** The installation must also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels must not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.
- (iv) **Curfew:** Field lighting for these outdoor athletic facilities shall be turned off within 30 minutes after the last event of the night.
- (v) **Setback:** All light poles shall be set back the greater of 50 feet or one foot for every foot in height from any residential property line or right-of-way.

(2) Service station canopies and parking structures. Lighting of service station canopies and parking structures shall meet the following requirements:

- (i) All luminaires mounted on or recessed into the lower surface of service station canopies and parking structures must be fully shielded and use flat lenses.
- (ii) The total light output of luminaires mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, must not exceed 50 foot-candles.
- (iii) The total light output of illuminated areas of a service station other than as detailed in Section 2.5.7 -G(2)(ii), above, shall not exceed 15 foot-candles.

- (iv) Lights must not be mounted on the top or sides of a canopy and the sides of a canopy must not be illuminated.

(3) Security lighting.

- (i) Security lighting is lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted or unsafe activity in the area being protected.
- (ii) Security lighting must be directed toward the targeted area, and not adjacent properties.
- (iii) Sensor-activated security lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light must not be triggered by activity off the property.

(4) Walkway and pedestrian path lighting. Lighting posts on walkways and pedestrian paths, but not public sidewalks, must not exceed 16 feet in height from the finished grade.

(5) Architectural accent lighting. Lighting used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall meet the following requirements:

- (i) Fixtures must be located, aimed, and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
- (ii) Fixtures must not generate glare, or direct light beyond the facade onto a neighboring property, streets, or into the night sky.

(6) Parking lots. Lighting fixtures servicing parking lots shall meet the following requirements:

- (i) All fixtures except floodlights must be cutoff fixtures directed downward and not toward buildings or other areas.
- (ii) The minimum illumination level for a parking lot is 0.4 foot-candles at grade level and the maximum illumination level is 10 foot-candles. The ratio of the average illumination to the minimum illumination must not exceed 4:1.

- (iii) Floodlights must be aimed to avoid, or shielded to minimize, uplight.
- (iv) Light poles used in parking lots must not exceed 35 feet in height.

H. Variances. Per Section 2.7.3 - Administrative Variance Reviews and Appeals, any person may submit an application to the zoning administrator for a variance from the provisions of this Section. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting. The application should include, but not be limited to, evidence about the following:

- (1) How the proposed design and appearance of the luminaire are superior;
- (2) How light trespass and glare will be limited; and
- (3) How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.

I. Plans and evidence of compliance.

- (1) **Applicant.** The applicant for any permit required by any provision of the laws of the Statesboro in connection with proposed work involving outdoor lighting fixtures must submit, as part of the application for permit, evidence that the proposed work will comply with this Section. Whether a permit is or is not required, the installation or modification, except for routine servicing and same-type lamp replacement of any exterior lighting, will require submission of the information described below. The submission must contain but is not necessarily limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the city upon application for the required permit:
 - (i) Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.
 - (ii) Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include but is not limited to catalog cuts and illustrations by manufacturers.
 - (iii) Photometric data, such as that furnished by manufacturers or similar, showing the cut-off angle of light emissions.

- (2) Additional submission.** The above required plans, descriptions and data must be sufficiently complete to enable the Department to readily determine whether compliance with the requirements of this Section shall be secured. If such plans, descriptions, and data cannot enable this ready determination, the applicant must submit additional evidence of compliance to enable such determination, such as certified reports of tests, provided that the tests have been performed and certified by a recognized testing laboratory.
- (3) Certification.** For all projects, certification that the lighting as installed conforms to the approved plans shall be provided by an illumination engineer/professional before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use by the issuance of the Certificate of Occupancy will not be issued.

Section 2.5.8 - Swimming Pools and Enclosures

- A. Private swimming pools.** A private swimming pool shall be allowed in any residential zoning district, and on any lot used principally as a single-household, two-household, or multi-household dwelling, as an accessory use only if it fully complies with the following standards:
 - (1)** The swimming pool shall be used solely for the enjoyment of the occupants of the principal use on the property or their guests.
 - (2)** The swimming pool, including any surrounding patio, decking, etc., shall be located no closer than 10 feet from any property line, provided, however, that it shall not be in any front yard.
 - (3)** The swimming pool shall not be constructed on a lot before the time of construction of the principal building to which it is accessory.
- B. Barrier required.**
 - (1)** Pools that are more than 2 feet deep shall be contained within a lockable fence or wall that is at least 4 feet tall. Such fence or wall shall not incorporate horizontal elements that have the effect of making the fence or wall easily climbable.
 - (2)** A building elevation may be incorporated as one or more sides of an otherwise continuous length of fence or wall that encloses the pool.

(3) Pools that are entirely enclosed within a building shall be exempt from this requirement.

C. Screen enclosures. A screen enclosure constructed around and over a swimming pool shall be considered an accessory structure, whether detached or attached to the principal building. Screen enclosures which are utilized to enclose swimming pools shall not be restricted as to square footage, except that they shall be only of adequate size to envelope the pool and surrounding patio, decking, etc. Screen enclosures shall further comply with the following standards:

(1) In no case shall a screened enclosure exceed 25 feet in height, or a height equivalent to the peak of the principal building on the lot, whichever is less.

(2) Screen enclosures shall not be located within the front yard and shall not be within 10 feet of any property line.

Section 2.5.9 - Corner Visibility

A. Notwithstanding any part of this Zoning Ordinance or any permit granted, or any variance granted by the mayor and city council, no type of structure, vehicle, tree, plant, vegetation, sign or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance of corners, curb cuts, or railroad crossings in any zone.

Section 2.5.10 - Utilities

A. Utilities required. Public water and public sewer systems shall be required on a given lot before or in coordination with the construction of occupiable structures on the lot.

B. Screening required. Utility service boxes, telecommunication devices, sanitation areas, mechanical equipment, and other such service areas shall be placed away from major pedestrian or automobile routes and screened from view in accordance with city specifications for such.

C. Minimized design required. Mechanical equipment and service areas shall be designed and located to minimize visual impact.

Section 2.5.11 - Storefronts

- A. Storefronts required.** First floor storefronts are required in the locations specified in district regulations and shall conform this with this Section, including the specifications in Figure 2.5.11-A - Storefront Standards.
- B. General standards.** When storefronts are required, they shall:
- (1) Provide transparent glass for at least 65% of the exterior facade area, with each facade calculated separately.
 - (2) Provide no more than 20 linear horizontal feet without transparent glass.
 - (3) Allow views into the building interior for a depth of at least 5 feet.
- C. Additional CBD standards.** Storefronts in the CBD district shall also provided:
- (1) A non-glass bulkhead of 12 to 24 inches in height directly above the finished floor;
 - (2) A glass display window directly above the bulkhead and extending to at least 10 feet above the finished floor; and
 - (3) An awning or canopy installed directly above the storefront window that is at least as wide as the display window.

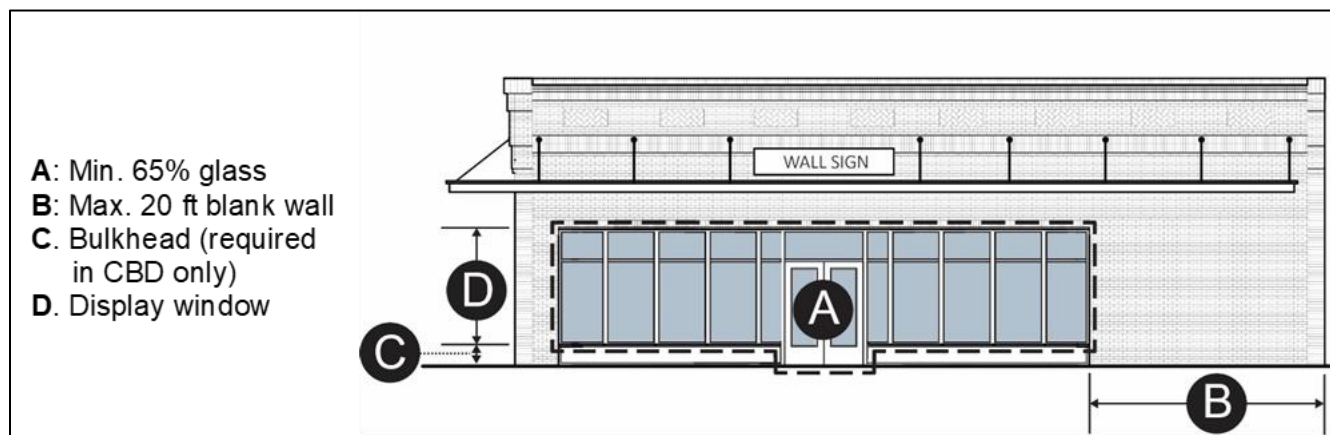


Figure 2.5.11-A - Storefront Standards

Section 2.5.12 - Building Materials

A. Certain Metal Buildings Prohibited.

- (1) Corrugated metal is allowed on building façades visible from a public street as specific in Table 2.5.12-A - Corrugated Metal Facade Standards.

Table 2.5.12-A - Corrugated Metal Facade Standards

Zoning District	Allowed	Applicable Standards
L-I	Yes	None
R-4, HOC, MX	Yes	Allowed subject to the provisions in Section 2.5.12 -A(2)
All other zoning districts	No	N/A

- (2) In the R-4, HOC, and MX districts, corrugated metal may only be used on façades visible from a public street when the following standards are met:
- (i) The maximum blank wall area shall not exceed 30 feet.
 - (ii) As used above, blank wall area means a portion of the exterior façade of the building that does not include windows or doors, measured in both a horizontal and vertical direction, as depicted in Figure 2.5.12-A - Blank Wall Area Diagram. Blank wall area does not apply to building foundations and parapets.

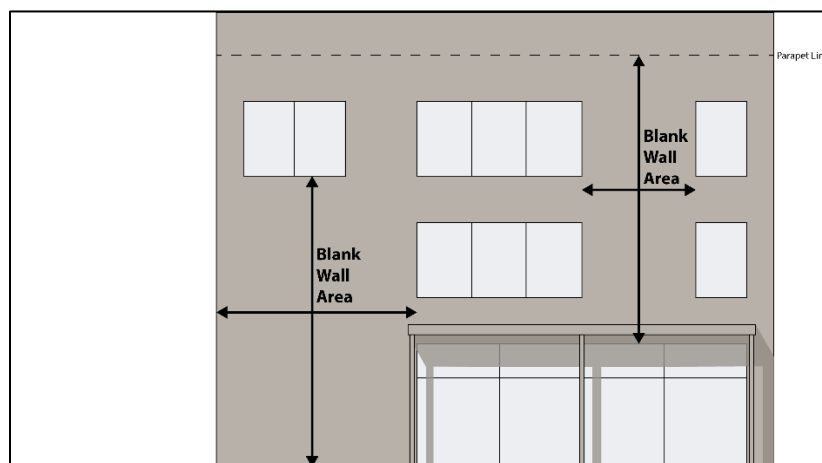


Figure 2.5.12-A - Blank Wall Area Diagram

- (3) This Section shall not apply to accessory buildings having a covered area of less than 150 square feet. Provided, however, only one such corrugated metal accessory building shall be permitted on any one lot.
- (4) This Section shall not apply to buildings temporarily located at a construction site, provided the building is removed when construction finishes.

Section 2.5.13 - Active Frontages

- A. **Active frontages required.** Active frontages are required when specified in district regulations.
- B. **General standards.** When an active frontage is required, it shall:
 - (1) Be constructed as conditioned, occupiable interior space.
 - (2) Be at least 15 feet in depth, as measured from the exterior façade.
 - (3) Be only used for any combination of residential, commercial and office, craft manufacturing, or institutional occupancy, as allowed by district regulations.
 - (4) Not contain storage rooms.
 - (5) Meet applicable district regulations for transparent glass and pedestrian access.

ARTICLE 2.6 - NONCONFORMITIES

Section 2.6.1 - Continuance and Discontinuance

- A. **Establishment and continuance.** Any land, the existing lawful use of which at the time of passage of this Zoning Ordinance does not conform with the regulations of the district in which it is located shall have such use considered as a nonconforming use, which may continue on such land but shall be subject to all the other pertinent regulations covering nonconforming uses. Any land approved for a specific use as recorded in the minute book of the mayor and city council at the time of passage of this Zoning Ordinance shall be permitted for a period of six months. Any extension of time beyond this period will be considered upon proper application presented to the mayor and city council.
- B. **Discontinuance.** A nonconforming use, when discontinued, may be resumed at any time within one year from such discontinuance, but not thereafter. The resumption may

be of the same class of use but shall not be resumed as a nonconforming use of a lower class.

Section 2.6.2 - Nonconforming Uses

- A. Change of use.** A nonconforming building or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Such use shall not be changed to a use designated for a district having less restrictive regulations.
- B. Temporary nonconforming use.** A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this Zoning Ordinance, may be permitted for a period of not more than one month, on the approval of the mayor and city council, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a mayor and city council certificate may be issued for a period not exceeding one year in any case.

Section 2.6.3 - Nonconforming Structures

- A. Buildings.** Any lawful building or the lawful use of any building existing at the time of the passage of this Zoning Ordinance that does not conform to use, height, location, size, or bulk, with the regulations of the district in which it is located shall be considered a nonconforming building or use and may continue such use in its present location, but shall be subject to all other pertinent regulations covering nonconforming uses.
- B. Buildings under construction.** A building for which a valid building permit has been issued and/or is under construction to the extent of completion of footings may be completed as a nonconforming use.
- C. Condemned buildings.** A nonconforming building which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this Zoning Ordinance.

Section 2.6.4 - Nonconforming Lots

- A. Permitted uses on nonconforming individual lots.** Where the owner of a lot in an R-3, R-6, or R-15 district at the time of the adoption of this Zoning Ordinance or their successor in title thereto does not own sufficient land to enable them to conform to the

dimensional requirements of this Zoning Ordinance, such lot may be used as a building site for a one-household dwelling.

- B. Combining adjoining nonconforming lots under one ownership.** If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this Zoning Ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Zoning Ordinance.
- C. Exemption from lot size requirements.** Any land that has been platted and accepted by the city shall be exempt from lot size requirements of the UDC.
- D. Modifications to building coverage standards.** Where a lot of record in the R-3, R-4, R-6, or R-15 districts at the time of the effective date of this UDC was nonconforming with regard to size, the maximum lot coverage is as shown in Table 2.6.4-A - Building Coverage Standard Modifications for Nonconforming Lots.

Table 2.6.4-A - Building Coverage Standard Modifications for Nonconforming Lots

Nonconforming Lot Size	Permitted Building Coverage of Lot Area
Less than 3,000 square feet	55% (max.)
3,000 to 3,999 square feet	53% (max.)
4,000 to 4,999 square feet	50% (max.)
5,000 to 5,999 square feet	48% (max.)
6,000 square feet or more	45% (max.)

- E. Modifications to side yard setback standards.** Where a lot of record in the R-3, R-4, R-6, or R-15 districts at the time of the effective date of this UDC was nonconforming with regard to width, the maximum side yard setback is as shown in Table 2.6.4-B - Side Yard Setback Standard Modifications for Nonconforming Lots.

Table 2.6.4-B - Side Yard Setback Standard Modifications for Nonconforming Lots

Nonconforming Lot Width (at Front Setback)	Permitted Building Coverage of Lot Area
Less than 30 feet	6 feet (min.)

Nonconforming Lot Width (at Front Setback)	Permitted Building Coverage of Lot Area
30 to 39.99 feet	8 feet (min.)
40 to 49.99 feet	10 feet (min.)
50 to 59.99 feet	15 feet (min.)
60 feet or more	20 feet (min.)

Section 2.6.5 - Nonconforming Signs

- A. Nonconforming signs.** Any sign, signboard, billboard, or advertising device existing at the time of the passing of this Zoning Ordinance that does not conform in use, location, height, or size with the regulations of the district in which it is located, shall be considered a nonconforming use and may continue as such use in its present location. In addition, signs shall conform to the provisions of Georgia State Act 679, as amended, Section 95A, Chapter 9 which is controlling in case of conflict with this regulation.
- B. Existing signs.** Signs existing and in place at the time of enactment of this Zoning Code which were legal at the time of erection but are not in compliance with the requirements hereof are nonconforming signs. Nonconforming signs existing as of June 16, 2009, shall be exempt from fees or the requirement to apply for a permit. However, the use of any temporary or portable sign existing at the time of passage of this Zoning Ordinance shall be continued or considered a nonconforming sign and not subject to the provisions of this Section only for 90 days but shall not be continued or considered a nonconforming use thereafter and shall be removed. The bolting down of signs by their construction and nature designed to be temporary shall not henceforth qualify a sign for consideration as a nonconforming sign. Any person who had a portable changeable copy sign in place on their premises at the time of enactment of this Zoning Ordinance and which must be removed within 90 calendar days of enactment of this Zoning Ordinance, shall have a grace period of 18 months from enactment of this Zoning Ordinance in which they may add a changeable copy sign as part of a significant structural alteration to an existing sign without the existing sign losing its status as a nonconforming and existing sign in the event the addition causes the existing sign to exceed the height and size restrictions of this Zoning Ordinance.

- C. Nonconforming signs.** Nonconforming signs once removed may not be replaced by signs that do not comply with the requirements of this Zoning Ordinance. Nonconforming signs may not be renovated in such a manner that significantly alters the nature of the sign and where said sign remains in noncompliance with the requirements of this Article following renovation. The replacement of panels which do not alter the structural composition of the signs shall not be considered a renovation that results in loss of nonconforming status, except that nothing within this provision shall infer that panel replacement may allow for an increase, change or alteration in the nonconforming characteristics of a sign, or allow for the use of replacement panels that are otherwise prohibited by this Article.
- D. Maintenance of nonconforming signs.** Nonconforming signs shall be kept in the same manner of maintenance and repair as specified for conforming signs in Section 2.5.3 -O.
- E. Change of status of owner.** Replacements of or changes to a sign resulting from a change in status of the owner or lessee of premises served by a nonconforming sign subsequent to the adoption of this Section shall negate the protections afforded nonconforming status and the sign shall be removed or brought into compliance with the provisions of this Article, with the following exception: The replacement of panels or other alterations to a nonconforming sign which reflect a change in the message but which do not involve a change in the basic structure or major structural components of the sign, nor which increase the height and/or square footage of the sign, shall not result in loss of status as a nonconforming use.
- F. Unsafe nonconforming sign.** Any nonconforming sign determined to be unsafe by the zoning administrator shall be removed or rendered safe and brought into compliance with the provisions of this Article.
- G. Damaged nonconforming sign.** Signs becoming damaged or dilapidated as a result of the passage of time may not be repaired and must be removed. Nonconforming signs damaged by Act of God may be repaired by the owner of the sign. To the extent such a sign can be brought into conformance with the Zoning Ordinance at the time of repair, the owner must do so. If a nonconforming sign damaged or destroyed by Act of God cannot be brought into compliance, then the owner may repair the nonconforming sign, but no such repair shall be considered to extend the natural life of the sign before its becoming damaged by the Act of God.

- H. Conforming and nonconforming signs.** No conforming sign or advertising device shall be erected on the business premises of a sign permit holder or applicant if the permit holder or applicant maintains an existing nonconforming sign on the business premises of the sign permit holder or applicant until the nonconforming sign has been removed.
- I. Incentives for nonconforming signs.** In the event a nonconforming sign is removed and replaced with a sign in conformance with this Article, the owner of the property on which the sign is placed shall be allowed a waiver of all charges due under this Article up to the amount equal to the costs of removal of the nonconforming sign and erection of a conforming sign. To qualify for the waiver, proof of costs must be presented to the zoning administrator and shall not exceed the fair market value of such costs, as determined by the inquiry of the zoning administrator.

Section 2.6.6 - Restoration and Reconstruction

- A. Building destroyed by fire, explosion, accident, or calamity.** A nonconforming building which has been damaged or destroyed by fire, explosion, accident, or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the same nonconforming use, provided that:
 - (1)** The reconstructed building shall not exceed in height, area, and volume the building destroyed, unless it meets the provisions of Section 2.6.7 -A.
 - (2)** A permit shall be applied for and approved within one year from the date the building was destroyed.

Section 2.6.7 - Expansion and Substitution

- A. Extension.** Any lawful nonconforming use of a portion of a building may be extended throughout the building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this Zoning Ordinance, or such lawful nonconforming use may be continued in any new building erected upon the lot or tract held in single and separate ownership on the effective date of this Zoning Ordinance and further, such lawful nonconforming use may be continued on adjoining lots only as a variance provided, in all such cases, that any structure, alteration, extension or addition shall

conform with all the height, area, width, yard and coverage requirements for the district in which it is located.

- B. Change or resumption of nonconforming uses.** The mayor and city council shall have discretion to determine in accordance with the provisions of this Zoning Ordinance what resumptions or change of nonconforming use is of the same class of use and permissible.

ARTICLE 2.7 - ADMINISTRATION AND PROCEDURES

Section 2.7.1 - Zoning Administrator

- A. Duties and powers of zoning administrator.** It shall be the duty of the zoning administrator and they shall have power to:
- (1)** Require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable them to ascertain whether the proposed building complies with provisions of this Zoning Ordinance.
 - (2)** Keep a permanent record of all plans and application for permits, and all permits issued with notations as to special conditions attached thereto. All records should be open for public inspection and shall be the property of the city.
 - (3)** Require that no building permit shall be issued until the chief building official has certified that the proposed building, alteration, or use complies with all the provisions of this Zoning Ordinance.
 - (4)** Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Zoning Ordinance. In carrying out such surveys, the zoning administrator may enter upon any land or buildings.
 - (5)** Make written orders requiring compliance with the provisions of this Zoning Ordinance to be served personally or by registered mail.
 - (6)** Maintain a map showing the current zoning classification of all land.
 - (7)** Maintain a map and register showing the registration, identity, location, and type of all nonconforming uses.

- B. Administrative interpretation.** Whenever, in the course of administration and enforcement of this Zoning Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are in this Zoning Ordinance provided, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Zoning Ordinance.
- C. Permits, generally.** No building shall be constructed or altered, or the use of any building and/or land changed, until a permit has been secured from the chief building official. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the zoning administrator of such completion. No permit shall be considered as complete or as permanently effective until the zoning administrator has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Zoning Ordinance.
- D. Application for permits.** All applications for permits shall be made in writing by the owner or tenants or authorized agent and shall be filed with the zoning administrator. The application:
- (1)** Shall include a statement as to the proposed use of the building and/or land.
 - (2)** Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.
 - (3)** Shall give the name and address of the surveyor or other person competent to give such location and to stake the road lines.
- E. Information on variances to be provided in permit application.** If the applicant desires a variance, then in addition, the application shall set forth the nature of the variance and shall state briefly the reasons why such variance should be granted.
- F. Fees.** Reasonable fees shall be charged by the mayor and city council to cover all or a portion of the costs incurred by the city for the administration of activities provided within this Zoning Ordinance as established in the City of Statesboro, Georgia, Schedule of Rates, Fees, and Fines and any successor fee schedule, as may be updated from time to time by the mayor and city council. Activities for which it has been determined that an administrative fee should be assessed, shall be incorporated into, and adopted as a portion thereof by the mayor and city council, the fee schedules of applicable

departments responsible for the administration and implementation of this Zoning Ordinance. Applications or other submittals for activities requiring a fee shall not be accepted or processed unless accompanied by the required fee.

Section 2.7.2 - Sign Permits

- A. Applicability.** Unless otherwise expressly provided in this Chapter, no sign or other advertising device shall be erected, constructed, replaced, modified, changed by panels, modified, relocated, or structurally altered within the limits of the city without prior issuance of a permit.
- B. Sign permit applications.** All applications for sign permits of any kind shall be submitted to the zoning administrator on an application form prescribed by the city. The applicant must be the property owner or the lessee of the lot on which the sign will be located, or an agent or representative of the property owner or the lessee.
- C. Permit for new sign or for sign modification.** An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by a detailed illustration of the dimensions, design, structure, and location of each sign in the format prescribed within the official application form. Each sign on the same lot shall be subject to a separate application and corresponding fee as established in the City of Statesboro, Georgia, Schedule of Rates, Fees, and Fines and any successor fee schedule, as may be updated from time to time by the mayor and city council.
- D. Action.** Within 15 business days of the submission of a complete application for a sign permit, including all required materials specified in Section 2.7.2 -C, the zoning administrator shall either:
- (1)** Issue the permit where it is found that such sign application is complete, and the proposed sign adheres to the standards of this Section and other applicable requirements of city ordinances and state law; or
 - (2)** Deny the permit where the application is incomplete, contains false material statements, or proposes signage that violates standards of this Zoning Ordinance or other ordinances or state laws regulating signage. Any denial of a permit shall be in writing and shall include a specification of the Section(s) of the Zoning Ordinance, or applicable provision of other city ordinances or state laws with which the sign is

inconsistent. The denial shall be based upon and shall cite the specific articulated standards in this Zoning Ordinance or other law, and shall not be based upon or cited to the general concerns contained in this Section or in Section 2.5.3 - Signs. A denied application later resubmitted in conformity with this Zoning Ordinance shall be deemed to have been submitted on the date of resubmission, rather than on the date of original submission. A decision to deny a permit shall be in writing and shall be served on the permit applicant either by hand delivery or by first class mail to the address provided by the applicant no later than 15 business days after initial receipt of a complete application.

- E. Inspection.** The zoning administrator may inspect the lot for which each permit for a new sign or for modification of an existing sign is issued, sixth months after issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with the UDC and other applicable codes, the zoning administrator shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number. If the construction is substantially complete, but not in full compliance with the UDC and applicable codes, the zoning administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of such inspection for the deficiencies to be corrected. If deficiencies are not corrected by such date, the permit shall lapse. If construction is then complete, a permanent symbol shall be affixed described above.
- F. Appeals of permit denial.** In the event of denial of an application for a permit, the applicant may appeal the decision to the mayor and city council within 10 business days of the hand delivery or mailing of such denial. The applicant shall make written notice of appeal to the zoning administrator, who shall schedule the hearing before the mayor and city council at the next council meeting occurring at least seven days after such notice is received. At the appeals hearing, the sole issues are whether the permit application is complete and free from false material statements and whether the proposed sign complies with the standards of this Zoning Ordinance and other ordinances and state laws regulating the proposed sign. Where the mayor and council find the application to be complete and true and that the proposed sign would comply with all terms of governing law, the permit shall be issued. The mayor and council shall make its decision no later than 30 days after the date of hearing and a written copy of that decision, with

supporting reasons shall be transmitted to the applicant in the same manner as the initial decision of the city.

- G. Revocation.** In the event it is determined that a permit was issued in violation of this Zoning Ordinance or other ordinance or law regulating the sign at issue or where the sign has been erected in violation of such standards, the zoning administrator shall issue a written notice of revocation of the permit, stating the grounds for such revocation action. The notice of revocation shall be in the same form as notices of denial and delivered to the permit holder in the same manner as a notice of denial. Where no appeal is taken within ten business days of giving notice, the revocation shall be considered final. Within ten business days of receipt of a notice of revocation, a permit holder may appeal the notice by filing a written notice of revocation with the city manager in the same form as appeals of a notice of denial. Hearing on an appeal of revocation shall be conducted within the same time frames and the same manner as appeals of denial.
- H. Work without permit issuance.** If any person, owner, authorized agent, or contractor commences any signage work before securing permits required by this Zoning Ordinance, fees upon application shall be doubled. Such fees shall be in addition to any other remedy resulting from enforcement of this Zoning Ordinance as provided in Section 2.7.7 - Violations, Enforcement, and Penalties.
- I. Display of permits.** The permit holder shall be responsible for maintaining the permit for every sign constructed, erected, or maintained for which a permit is required by this Zoning Ordinance. Such permit shall be kept on the premises served by the sign and shall be exhibited promptly upon request of city officers and employees.
- J. Assignment of sign permits.** A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject to any filing of such applications as the zoning administrator may require. No fees shall be charged for filing an assignment with the city. The assignment shall not require city approval. However, a modification of the sign by an assignee shall require a new permit and payment of fee as established in the City of Statesboro, Georgia, Schedule of Rates, Fees, and Fines and any successor fee schedule, as may be updated from time to time by the mayor and city council.

Section 2.7.3 - Administrative Variance Reviews and Appeals

A. Administrative variance authority.

- (1) The zoning administrator shall have the authority to grant or deny administrative variances from certain provisions of the UDC as enumerated in this Section, upon finding that the intent of this Zoning Ordinance can be achieved, and equal performance obtained by granting an administrative variance.
- (2) The grant of an administrative variance shall not exceed 20% from the minimum or maximum standards provided in the UDC in said Articles and Sections provided herein unless other standards are clearly provided pursuant to a specific Section of the UDC.

B. Administrative variances by the zoning administrator. In addition to any other administrative variances specifically authorized, the following provisions of the UDC may be administratively varied by the zoning administrator, subject to the specific limitations of this Section:

- (1) Setback lines for front yards, side yards, corner side yards, and rear yards as said footage is applied to the construction of improvements on real property.
- (2) Building coverage regulations for lot areas.
- (3) Minimum required parking spaces, as regulated in Table 2.5.2-A – Comprehensive Vehicular Parking Requirements.
- (4) Minimum width of parking spaces, as regulated in Section 2.5.2 -H.
- (5) Dimensional standards of landscaping and buffer areas regulated in Section 2.5.4 - Landscaping and Buffering.
- (6) Minimum dwelling size requirements as regulated in Section 2.4.9 - Residential Uses.
- (7) Lighting standards as regulated in Section 2.5.7 - Lighting.

C. Requirements for administrative variance applications.

- (1) To initiate an application for administrative variance, an application must be submitted to the zoning administrator and must include at minimum the following:

- (i) An application form supplied by the zoning administrator and a statement of hardship form included with the application form must be completed by the applicant.
 - (ii) A non-refundable fee as established in the City of Statesboro, Georgia, Schedule of Rates, Fees, and Fines and any successor fee schedule, as may be updated from time to time by the mayor and city council.
 - (iii) Plat or boundary survey. One scale copy and one reproducible size copy (no larger than 11" x 17") of a plat or boundary survey of the property or properties involved in the application.
- (2) The zoning administrator in reviewing an application shall also be authorized to require any supporting information necessary to review an administrative variance on the record necessary to resolve the request for relief. These may include but are not limited to architectural renderings, concept plans or as-built surveys.

D. Criteria for administrative variances. In acting upon applications for administrative variances, the zoning administrator shall consider whether one or more of the following condition(s) exist to justify or provide grounds for approval of said request:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) The application of the Zoning Ordinance to this particular piece of property would create an unnecessary hardship;
- (4) Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of this UDC.
- (5) Whether there are alternative, or mitigating, options that are appropriate to obtain the purposes of the Zoning Ordinance.

E. Administrative variance decision.

- (1) After the receipt of a completed application for an administrative variance, the zoning administrator shall have 10 business days to render a decision.
- (2) After review of the application, the zoning administrator may determine to approve, approve with conditions, or deny the request. Following the decision, a notice of action on an administrative variance shall be sent by mail to the applicant stating the approval, conditions, if any, or reason(s) for denial.
- (3) Upon the zoning administrator's decision being rendered, or in the event that no decision is rendered within the time provided above, any interested party may appeal to the mayor and council.

Section 2.7.4 - Variances and Appeals

A. Variances. The mayor and city council may issue variances to the strict application of this Zoning Ordinance subject to these provisions. A variance may not be granted for the use of land that is not permitted by the Zoning Ordinance. In determining whether to grant a variance, the mayor and city council shall consider the following criteria:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) The application of the Zoning Ordinance to this particular piece of property would create an unnecessary hardship.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.
- (5) Whether there are alternative, or mitigating, factors that are appropriate in order to obtain the purpose of the Zoning Ordinance to be varied.

- B. Conditions authorized.** In the course of exercising any of the above powers, the mayor and city council may attach reasonable conditions to its approval to obtain the purpose of the Zoning Ordinance being varied.
- C. Appeals of administrator decisions.**
- (1)** The mayor and city council may hear and decide appeals, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations.
 - (2)** An appeal from the decision of the zoning administrator shall be taken within 30 calendar days of the date of the decision.
 - (3)** In exercising this power, the mayor and city council may, in conformity with the provisions of the zoning regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the administrative official. To that end, the mayor and city council shall have all the powers of the officer from whom the appeal is taken and may direct the issuance of a permit.
- D. Applications.** Applications for appeals or variances must be filed on forms provided by the zoning administrator. The zoning administrator shall transmit to the mayor and city council all documents constituting the record upon which the action appealed from was taken. The owner of the property that is the subject of the application shall be mailed notice of the public hearing at least 30 calendar days before the date of the hearing.
- E. Published notice.** Due notice of the public hearing pursuant to this Section shall be published in the newspaper of general circulation within the city. Notice advertising the hearing on the appeal or variance and indicating date, time, place and purpose of the public hearing shall be published at least 30 calendar days but not more than 45 calendar days before the date of the hearing. The cost of the advertisement shall be borne by the applicant. The zoning administrator shall post, at least 30 calendar days before the mayor and council's public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application number, date, time and place of the public hearing.

- F. Information in the notice.** The notice required herein to be published shall contain the following information:
- (1)** Name and address of the applicant.
 - (2)** Address and location of the property for which the appeal or variance is sought.
 - (3)** Current zoning of the property for which the appeal or variance is sought.
 - (4)** The variance requested or the subject matter of the appeal and the reason for the requested variance or the appeal.
 - (5)** The date, time, and place of the public hearing on said requested appeal or variance.
- G. Recording hearing.** The applicant may arrange for and provide a certified court reporter to transcribe the hearing before the mayor and city council, at the expense of the applicant. Upon appeal of the decision of the mayor and city council, said transcript shall be made part of the record for review. Hearings shall also be recorded by video or audio tape.
- H. Time limits.** The applicant or appellant and those in favor of the variance or appeal shall have at least 10 minutes to speak, total. Those opposed to the application or appeal shall have at least 10 minutes to speak, total. The mayor may extend those times where appropriate to allow for a fair presentation of the issues, provided that equal time is given to both those in favor and those opposed to the application. The applicant may reserve time for rebuttal.
- I. Evidence and cross examination.** Participants in the public hearing shall have the opportunity to present evidence and witnesses which shall be entered into the record. Cross-examination of opposing witnesses shall be allowed by the mayor, but decorum shall be maintained. The mayor may require the applicant and opponents to designate one person to conduct any desired cross-examination.
- J. Appeals of decisions of mayor and city council.** Any person or persons aggrieved by any decision of the mayor and city council may appeal to the superior court in the manner provided by law.

Section 2.7.5 - Special Use Permits

- A. Applications.** An applicant for a special use permit shall file an application on forms provided by the zoning administrator.
- B. Procedures for grant or denial.** The grant or denial of a special use permit shall follow the procedures for a map amendment, as specified in Section 2.7.6 - Text and Map Amendments, unless modified by the provisions of this Section.
- C. Notices.** Notice of the public hearing shall be provided to the owner of the subject property by mail at least 30 calendar days before the public hearing. A sign and published notice shall be posted at least 30 calendar days before the public hearing.
- D. Criteria for approval.** Any use which may be authorized by a special use permit may be approved by the mayor and city council only if, in the exercise of the mayor and city council's discretion, they find that:
 - (1)** A proper application has been filed in accordance with the requirements of this Section.
 - (2)** A recommendation has been received from the planning commission.
 - (3)** The applicant is in compliance with the particular conditions for the proposed special use that are required by this Section.
 - (4)** The use is consistent with the applicable purposes and intent of this Zoning Ordinance.
 - (5)** After considering the application and the facts, and the standards for the exercise of the zoning power, the mayor and city council determine that the standards are satisfied such that the benefits of and need for the proposed special use outweigh any possible harmful effects or negative impacts to the public welfare. In making this determination, the mayor and city council may consider the effects of the proposed use on traffic, public infrastructure and services, aesthetics, property values, the peaceful enjoyment of private property in the community.
- E. Conditions for approval.** As part of the approval of a special use permit, the mayor and city council may impose conditions on the use or development of the property deemed

necessary to carry out the purposes of this Zoning Ordinance and to protect the public health, safety, and welfare.

Section 2.7.6 - Text and Map Amendments

- A. Amendment by the City.** The mayor and city council may from time to time amend, supplement, change, modify or repeal this Zoning Ordinance, including the zoning map, by proceeding in the following manner, and as otherwise required by law.
- B. Initiation of applications.** Applications to amend this Zoning Ordinance may be in the form of proposals to amend the text or proposals to amend the official zoning map.
- C. City as applicant.** Application to amend the text of the zoning map may be initiated by resolution of the mayor and city council, by the mayor individually, or by any official designated by the mayor and city council.
- D. Property owner as applicant.** Applications to amend the map regarding a particular piece of property may be submitted by a property owner of record or their authorized agent to the zoning administrator.
- E. Pre-application meeting.** Before filing a rezoning application, the applicant must attend a pre-application meeting with the zoning administrator to review the proposed rezoning, review applicable regulations, and discuss potential issues.
- F. Application for amendment.** Every application for amendment of the UDC shall be presented to the zoning administrator and shall contain the following:
 - (1)** Applicant's name and address and their representative, and the interest of every person represented in the application.
 - (2)** A legal description of the property for which rezoning is requested, together with a recent plat of the property prepared by an architect, engineer, land surveyor or landscape architect, whose state registration is current and valid and whose seal shall be affixed to the plat. The plats must contain property lines, bearings, distances, adjoining streets with right-of-way and paving width, location of existing structures, creeks, easements, north arrow and scale.
 - (3)** A statement of circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons to support the proposed

rezoning. The statement shall include information regarding the demand that will be placed on public facilities and services by any contemplated development, including but not limited to increased population density, traffic volume, school enrollment, drainage, traffic and utility facilities.

- (4) A nonbinding sketch plan shall be required.
- (5) The date that the pre-application meeting occurred.

G. Plot plan. All applications for rezoning requiring a sketch plan shall be accompanied by a plot plan drawn to scale. Submission shall include the following items:

- (1) Project name.
- (2) Project owner and address.
- (3) Date, scale, north arrow.
- (4) Vicinity map.
- (5) Property lines and dimensions.
- (6) Owner and use of adjacent properties.
- (7) Total project acreage.
- (8) Proposed use of property to be developed.
- (9) Required yard setbacks appropriately dimensioned.
- (10) Location of buildings and the square footage in each.
- (11) Existing and future right-of-way of adjacent street, including names of streets and width of pavement.
- (12) Topography at five-foot contour intervals for properties greater than ten acres, topography at two-foot contour intervals for properties less than ten acres.
- (13) Location of driveway ingress and egress.
- (14) All existing and proposed off-street parking spaces, loading stations, bays and walkways.
- (15) Location of buffers/screening, if required.

- (16) Location of 100-year floodplain.
- (17) Dumpster location.
- (18) Any other data requested in writing by the zoning administrator necessary to an understanding and evaluation of the project.

H. Referral to planning commission. All proposed amendments to the UDC or map together with the required site plans shall be referred to the planning commission prior to a public hearing before the mayor and city council for study and recommendation. The planning commission shall conduct a duly-noticed public hearing pursuant to the policies and procedures for conducting public hearings under this Zoning Ordinance, and shall study the need and justification for the change based on, but not limited to, the standards for the exercise of the zoning power. After completing its studies of the proposed amendment, the recommendation and report of the planning commission shall be submitted to the mayor and city council. The recommendation of the planning commission shall be of an advisory nature and not be binding on the mayor and city council.

I. Notice.

- (1) The city shall cause a legal notice to be published in the newspaper of general circulation in the City of Statesboro at least 15 calendar days but not more than 45 calendar days before public hearings required by this Zoning Ordinance. The notice shall state the time, place and purpose of the hearing. If the application is initiated by a party other than the mayor and city council, the newspaper notice shall also include the location of the property, the present zoning classification of the property and the proposed zoning classification of the property.
- (2) If the amendment application is initiated by a party other than the mayor and city council, a sign stating the time, place and purpose of the hearing, together with the current and proposed zoning classifications, shall be placed in a conspicuous location on the property to be rezoned not less than 15 calendar days before the date of the hearing. The sign will remain on the property until final action has been taken by the mayor and city council. If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site.

- J. Hearing.** Public hearings required by this Zoning Ordinance shall be conducted subject to these procedures:
- (1) The hearing shall be convened and chaired by the mayor or chairperson.
 - (2) The mayor or chairperson will review the procedures for holding a public hearing outlined in this provision. Copies of these procedures will also be available in writing at the public hearing.
 - (3) In order for a person in attendance to speak, the mayor or chairperson must recognize them. Upon rising to speak, the person recognized will first identify themselves and furnish a home or business address.
 - (4) Persons appearing as part of an organized group may designate a spokesperson to present the group's position.
 - (5) Opponents and proponents of the zoning decision under consideration shall be allowed a minimum of ten minutes per side for the presentation of data, evidence, and opinion. The mayor or chairperson may extend the time for each side when circumstances deem it appropriate, provided that equal time will be provided to all persons participating in the public hearing.
 - (6) Additional persons will be recognized according to the above procedures for the purpose of addressing additional elements of the proposed revisions or to make additional points with regard to the elements already addressed, but not to rehash points already made.
- K. Standard for the exercise of zoning power.** The mayor and city council in exercising its zoning power, shall be governed by the following standards in making its determination and balancing the promotions of the public health, safety, morals, and general welfare against the right of unrestricted use of property:
- (1) Existing uses and zoning of property nearby.
 - (2) The extent to which property values are diminished by the particular zoning restrictions.
 - (3) The extent to which the description of property values of the property owner 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 property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- (7) The extent the proposed change would impact the following:
 - (i) Population density in the area.
 - (ii) Community facilities.
 - (iii) Living conditions in the area.
 - (iv) Traffic patterns and congestion.
 - (v) Environmental aspects.
 - (vi) Existing and future land use patterns.
 - (vii) Property values in adjacent areas.
- (8) Consistency with other governmental land use, transportation and development plans for the community.

L. Rehearing.

- (1) If the mayor and city council deny any application for rezoning of property, then the same property may not be considered for rezoning until the expiration of at least six months immediately after the denial.
- (2) If the mayor and city council approve any application for rezoning of property, then the same property may not be considered for rezoning until the expiration of at least six months immediately after the approval.

Section 2.7.7 - Violations, Enforcement, and Penalties

- A. Violations.** It shall be the duty of the zoning administrator to take cognizance of violations of this Zoning Ordinance. They shall investigate each violation which comes to their attention whether by observation or by communication. They shall order in writing

the correction of such conditions as are found to be in violation of this Zoning Ordinance. Failure to secure a zoning or special use permit when required, previous to erection, construction or alteration to a building, or change in use of land or building as in this Zoning Ordinance provided, shall be a violation of this Zoning Ordinance.

- B. Fines and charges.** Any person, firm, or corporation violating any provision of this Zoning Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to the remedies established in [Section 1-12](#) of the Statesboro Code of Ordinances; except that, at a minimum a fine of not less than \$250.00 for each offense shall be assessed unless otherwise stated within this Subsection, and such fine may exceed the maximum fine otherwise prescribed in [Section 1-12\(a\)](#) of the Statesboro Code of Ordinances at the discretion of the municipal court judge. Each day such violation occurs shall constitute a separate offense.
- C. General remedies.** In case any building, sign, or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, sign, structure or land is used; or any hedge, tree, shrub or other growth is maintained, in violation of this Zoning Ordinance or of any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- D. Signage violations identified.** Each day of a continued violation shall be considered a separate violation. Each sign installed, created, erected, or maintained in violation of this Zoning Ordinance shall be considered a separate violation. Any of the following actions shall be a violation of this Zoning Ordinance and shall be subject to the enforcement remedies and penalties provided in this Zoning Ordinance and by state law.
- (1)** Installing, creating, erecting, or maintaining any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
 - (2)** Installing, creating, erecting, or maintaining any sign requiring a permit without such a permit.

- (3) Failing to remove any sign that is installed, created, erected, or maintained in violation of this Zoning Ordinance for which the sign permit has lapsed.
- (4) Pasting, printing, nailing, tacking, or otherwise fastening any card, banner, handbill, sign, poster, advertisement, or notice of any kind, or cause the same to be done, on any private property without the written consent of the owner of such property.

E. Additional enforcement and remedies for signage violations.

- (1) The zoning administrator shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially electrical or structurally defective sign or a sign for which no permit has been issued when required or which is otherwise in violation of this Zoning Ordinance. The zoning administrator shall prepare a written citation that shall describe the sign and specify the violation involved and that shall state that if the sign is not removed or the violation is not corrected within ten days or such further time as is reasonable under the circumstances in the determination of the zoning administrator, the sign shall be removed in accordance with the provisions of this Section; provided that, where a sign poses an imminent danger to the life or health of members of the public, the zoning administrator may cause the sign to be secured or removed without first affecting such notice and shall provide notice after the fact to the owner of the property and owner of the sign.
- (2) All notices by the zoning administrator shall be personally served or sent by first class mail. Any time periods provided in this Section shall be deemed to commence on the date received, if hand delivered, or three days after the date mailed.
- (3) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property. If any such persons are unknown or cannot be found, notice shall be mailed to such persons' last known address, if any, and posted on the sign or on the premises.
- (4) Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing written notice of appeal with the city administrator within 10 business days after receipt of the notice. Appeals shall be provided in the same manner as set forth in Section 2.7.2 -F.

- (5) Any sign removed by the zoning administrator pursuant to the provisions of this Section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal. In the event it is practicable to sell or salvage any material derived in the removal, the city administrator may do so at public or private sale at the best price obtainable; the city shall keep an account of the proceeds. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known, or, if unknown, shall be deposited in the city treasury and maintained for a period of three years. At the end of the three years, all unclaimed proceeds shall become property of the city. Where the proceeds derived from such sale are less than the cost of the removal, such deficiency shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.
- (6) Any sign erected in violation of this Zoning Ordinance may be removed from public property or right-of-way by duly authorized employees of the city without notice. The responsible party may be cited for such violation. The city shall have the right to recover from the owner or person posting such sign the full cost of removal and disposal of the sign.

Chapter 3. Subdivisions

ARTICLE 3.1 - INTRODUCTION AND GENERAL PROVISIONS

Section 3.1.1 - Purpose and Intent

- A. Purposes.** The public health, safety, economy, good order appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City of Statesboro. In furtherance of the general intent of this UDC, the regulation of land subdivision is authorized for the following purposes, among others:
- (1) To encourage the development of an economically sound and stable city;
 - (2) To assure the timely provision of required streets, utilities and other facilities and services to new land developments;
 - (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 - (4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
 - (5) To ensure, in general, the wise and timely development of new areas, in harmony with the most recently adopted comprehensive plan.

Section 3.1.2 - Applicability

- A. General.** This Chapter applies to all divisions of a tract or parcel of land which meet the definition of "subdivision" Section 3.1.2 -B below
- B. Definition of subdivision.** For purposes of this Chapter, "subdivision" means all divisions of a tract or parcel of land into two or more lots, buildings, sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development; includes all division of land involving a new public road or a change in existing public roads; includes re-subdivision; and, where appropriate to the context,

relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the city.
- (2) The division of land into parcels of five acres or more where no new street is involved. However, this exception shall not apply to land being developed for retail commercial purposes, such as a large shopping center or single retail establishment, or an enclosed mall or other group development which may exceed five acres in size. Such developments are considered subdivisions under this Chapter.

C. Scope.

- (1) No person may divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land, except in conformity with the provisions of this Chapter.
- (2) Any owner or developer of any tract of land who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of court of Bulloch County, Georgia. No such plat of subdivision may be recorded unless and until it has been approved by the mayor and city council.

D. Filing and recording. No plat of the subdivision may be filed or recorded by the Bulloch County Clerk of the Court until the final plat has been submitted to and approved by the city and such approval entered in writing on the final plat by the zoning administrator and mayor and city council.

E. Unauthorized conveyances. No lot, street, alley, improvement, easement, right-of-way or other property or property right of any kind may be conveyed, by deed or otherwise, to the city or other public authority without its express acceptance of such conveyance as indicated by the signature of its authorized agent on such deed or other document of conveyance.

F. Improvements, streets. The city may not accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections,

or other public facilities or utilities in any street unless it has been accepted as, opened as, or otherwise received the legal status of, a public street as per Section 3.2.3 -Design Standards for Streets within Proposed Subdivisions.

Section 3.1.3 - Interpretation

- A. Interpretation.** Regulations expressed in this Chapter are considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

Section 3.1.4 - Enforcement, Violations, and Penalties

- A. Filing or recording.** The filing or recording of a final plat of a subdivision without the approval of the city as required by this Chapter, or the filing and recording of any sketch plan or preliminary plat as a "record" plat is hereby declared as a violation of this Chapter.
- B. Recording official.** The Bulloch County Clerk of Court may not accept, file, or record any sketch plan or any preliminary plat as a "record" plat, or any final record plat involving any area subject to these regulations which have not been approved by the city. The city shall have such rights and remedies as to enforcement or collection as provided and may enjoin any violations thereof.
- C. Transfer of lots in unapproved subdivisions.** The owner or agent of the owner of any land to be subdivided who transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land before such final plat has been approved by the city and recorded in the office of the Clerk of the Court in Bulloch County, and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. The city may enjoin such transfer or sale or agreement by appropriate action.
- D. Erection of buildings.** Any building erected in violation of these regulations will be deemed an unlawful structure, and the UDC administrator or the city attorney or other official designated by the city manager may bring appropriate action until regulations are met.

- E. Street names.** No person laying out a new street or road may name such street or road on any plat, by any marking or in any deed or instrument, without first getting the approval of the city. Any person violating this provision will be punished at the discretion of the court.

- F. Penalties.** Any person, firm, or corporation violating any provision of this Chapter; including the transfer or sale, agreement to sell, or negotiation to sell land subdivided by reference to or exhibition of, or by other use of a plat of subdivision of land before such plat has been approved by the city, and recorded in the office of the clerk of court of Bulloch County; will be guilty of a misdemeanor and, upon conviction, will be subject to the remedies established in [Section 1-12](#) of the Statesboro Code of Ordinances; except that, at a minimum, of fine of not less than \$250.00 for each offense must be assessed, and such fine may exceed the maximum fine otherwise prescribed in [Section 1-12\(a\)](#) of the Statesboro Code of Ordinances at the discretion of the municipal court judge. The description by metes and bounds in the instrument of transfer or other document used in the selling or transfer of subdivided land not approved by the city will not exempt the violator(s) from such penalties. Each day such violation occurs will constitute a separate offense.

ARTICLE 3.2 - DESIGN AND CONSTRUCTION STANDARDS

Section 3.2.1 - Required Improvements

The subdivider must install and/or pay for the improvements required by the regulations necessary to serve the subdivision before approval of the final plat.

- A. Natural gas.** The city will provide natural gas service to subdivisions where the proximity of the existing system makes it economically feasible. Developers should contact the natural gas department to determine whether the city can provide the service. If so, there will be no cost to the developer for this installation, and potential property owners would be eligible for all customer rebates and incentive programs of the natural gas department. Where gas lines are located within a street right-of-way, such lines must be located outside the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.

- B. Water supply.** A water system must be installed in a subdivision. Water mains, valves, and fire hydrants must be installed according to ordinances and regulations of the city.

The water system installed must be connected to the city water system through tapping into the existing lines. The property developer must bear all the costs for the installation of this system within the actual subdivision. When the water mains to be installed are allowed to be located in the street surface to serve the abutting lots, a connection must be stubbed out to the property line to service each lot before the street is surfaced. Figure 3.2.5-H - Typical Fire Hydrant Detail and Figure 3.2.5-K - Typical Water Meter Service show water system details applicable in Statesboro.

- C. Sanitary sewerage.** A sanitary sewer system must be installed in a subdivision unless the mayor and city council specifically allows another system. Sanitary sewers must be designed and installed according to the plans and specifications approved by the city, which are compatible with the city's sanitary sewer system master plan. The sewer system installed must be connected to the city sewer system through a connection tying onto the existing lines. The property developer must bear the costs for the installation of this system within the actual subdivision. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection must be stubbed out to the property line to serve each lot before surfacing the street. See Figure 3.2.5-I - Typical Sewer Service Connection for sewer tap connection. In addition, if non-metallic pipe is used, the end of this connection must be wrapped with magnetic tape to facilitate its future location.
- D. Sewerage disposal systems.** Before construction of any community sewerage disposal system such as an oxidation pond or other facility, the location, size, plans and specifications of such a facility must be approved by the UDC administrator and the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. These type facilities would only be considered under extreme cases where it is absolutely not practical to tie onto the city's existing sewer system. Where septic tanks are used, the health department may require larger lots than required by the zoning district. Since the health department's requirements are for conformance with health standards, the prescribed lot size for such uses must be the minimum size used in the development.
- E. Curb and gutters.** If used, concrete curbs or paved valley type gutters must be installed in accordance with the approved plans and specifications of the city. Approval of the subdivider's plans by the public works and engineering department is required. Curb

requirements vary depending on the functional classification of each street, (local, collector, arterial), the location and the traffic volume. Curbing may also be required as follows:

- (1) For storm water management;
- (2) To stabilize pavement edge;
- (3) To delineate parking areas;
- (4) Ten feet on each side of drainage inlets;
- (5) At intersections;
- (6) At corners; and
- (7) At tight radii.

Curbing must be designed to provide a ramp for bicycles and/or wheelchairs as required by state law and according to the ADA requirements. The standard curb Section used must be 20 feet in length with a construction joint, 18 inches, 24 inches, or 30 inches wide including a roll curb and gutter. Residential curb and gutter must have a minimum gutter thickness of 6 inches and commercial curb and gutter must have a gutter thickness of 8 inches or thicker depending on its location, soil conditions and traffic load. All concrete used for curbs must be prepared in accordance with applicable GDOT Standard Specifications for Construction of Roads and Bridges. Curb and gutter must be constructed with Portland cement concrete having a compressive strength of equal or greater than 3,000 psi.

Curbs and /or combination curbs and gutters must be constructed of Class B concrete. Asphalt curb and gutter will not be acceptable within publicly maintained R/W. Curb and/or gutter must be constructed before the construction of the pavement. Where drainage inlets are constructed, but curbs are not required, curbing must be provided at least 10 feet on each side of the inlet, set back one foot from the extension of the pavement edge. For more information on types of curbs, refer to the Policy on Geometric Design of Highway and Street, AASHTO, latest edition.

F. Shoulders.

- (1) Shoulders are required on all roads.

- (2) Shoulders must measure 4 feet in width, or as required by designing engineer, on each side for all streets and shall be located within the right-of-way as shown in Figure 3.2.5-D - Section of Collector Road with Shoulders and Figure 3.2.5-E - Section of Local Road with Shoulders. The width of swales shall be determined by site-specific conditions.
- (3) Graded shoulder must be stabilized turf or other material acceptable to the UDC administrator.

G. Street grading and surfacing. Street grading, base preparation and surfacing of local streets must be carried out by the subdivider according to this UDC. Grading, base preparation, and surfacing of collector and arterial streets shall be installed in accordance with plans and specifications approved by the city. See Figure 3.2.5-B - Section of Collector Road with Curb and Gutter, Figure 3.2.5-C - Section of Local Road with Curb and Gutter, Figure 3.2.5-D - Section of Collector Road with Shoulders, and Figure 3.2.5-E - Section of Local Road with Shoulders. Approval of the subdivider's plans is required by the public works and engineering department.

H. Storm drainage. Drainage analysis must be based on the provisions set forth in Article 4.2 - Stormwater Management and Article 4.4 - Flood Damage Prevention Ordinance. An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, intersecting drains, drop inlets, bridges, and other necessary appurtenances shall be installed by the subdivider according to the plans and specifications approved by the public works and engineering department. Approval of the subdivider's plans by the UDC administrator is required after the mayor and city council approves the preliminary plan.

Section 3.2.2 - Construction Standards for Streets

- A. Streets to be inspected during construction.** Streets which are not built to the minimum city standards may not be accepted for dedication at a later date.
- B. Proof roll observations.** At a minimum, the permittee shall arrange for the UDC administrator to observe proof rolls for the curb and gutter, paving, and graded aggregate base. The permittee is responsible for coordinating with the UDC administrator at least 24 hours in advance so that the proof roll(s) can be observed.

- C. Geotechnical materials required.** Geotechnical materials reports and testing reports during construction shall be submitted to the city for any street to be dedicated to the city. The owner/developer is responsible for providing documents to the city.

Section 3.2.3 - Design Standards for Streets within Proposed Subdivisions

The following rules apply to all streets in proposed subdivisions:

- A. Conformity to existing maps or plans.** The location and width of all proposed streets must (if applicable) be in conformity with official plans and maps.
- B. Continuation of adjoining street system.** The proposed street layout must be coordinated with the street system of the surrounding area. Where possible, existing major streets shall be extended.
- C. Access to adjacent properties.** Where it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around must be provided. One-household dwellings fronting on local streets must have access from local streets only.
- D. Fire apparatus access roads.** Pursuant to the International Fire Code, developments of one-household and multi-household dwellings in which the number of dwelling units exceeds 30 must be provided with either a second entrance, or a separate fire apparatus access roads as approved by the fire chief or their designee. The number, location, and design of fire apparatus access roads must be determined by the fire chief or their designee in consultation with the International Fire Code. An exception will be granted for developments in which all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with the currently adopted edition of the International Fire Code.
- E. Street names.** Proposed streets, which are obviously in alignment with other existing and named streets, must bear the assigned name of the existing streets. In no case may the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue boulevard, drive, place, court, etc. It is unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking or in any deed or instrument, without first getting approval of the zoning administrator.

- F. Local streets.** Local streets must be so laid out that their use by through-traffic will be discouraged.
- G. Trees.** Tree planting must meet Article 4.1 - Urban Forest Beautification and Conservation. As many trees as possible must remain on the site during the clearing and grading unless they lie within a planned public right-of-way, within a planned building site or within the necessary paved areas surrounding or adjacent to the primary structure.
- H. Railroads and highways (freeways, expressways).** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands must be treated as follows:
- (1)** In residential districts a buffer strip not less than 25 feet in-depth, in addition to the normal depth of the lot required in the district, must be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and must be so designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."
 - (2)** If applicable in districts zoned for business, commercial, mixed-use, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad must, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - (3)** All other streets which are parallel to the railroad, when intersecting a street which crosses the railroad at grade, must, to the extent practicable, be at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- I. Right-angle intersections.** Street intersections must be as nearly at right angles as practicable, or between 70° to 90°. Any angle less than 75° must be approved by the UDC administrator.
- J. Jog intersections.** Streets must have a minimum of 150 feet from centerline to centerline of each street.

- K. Cul-de-sac.** Cul-de-sacs may not extend more than 1,000 feet in length and must provide a turn-around having a paved roadway diameter of at least 80 feet and a right-of-way diameter of at least 120 feet.
- L. Alleys.** Service alleys or drives may be required in multiple dwelling, commercial and industrial developments and must have a minimum surface treatment width of 20 feet, but may not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the UDC administrator of the need for alleys.
- M. Residential buffers for major streets.** Where a subdivision abuts or contains an existing or proposed major street, the city may require: lots that abut upon or be adjacent to major streets to face minor interior access streets, screen planting contained in a non-access reservation along the rear property line adjacent to the major street, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- N. Street right-of-way widths.** Minimum street right-of-way widths must be as follows:
 - (1) Curb and gutter type construction.**

(i) **Local street, minimum requirements.**

Number of Lanes	Pavement		R/W
	Width	Lane Width	
2 Lane	20'	10'	60'
2 Lane w/parking	30'	11'	60'

(ii) **Collector street, minimum requirements.**

Number of Lanes	Pavement		R/W
	Width	Lane	
2 Lane	23'	11'	60'
2 Lane w/left turn lane	37'	11'	60'
4 Lane	46'	11'	80'

Number of Lanes	Pavement		
4 Lane w/service lanes	60'	11'	90'

(iii) **Arterial street.**

Number of Lanes	Pavement		
	Width	Lane Width	R/W
2 Lane	25'	11'	70'
4 Lane	46'	11'	80'
4 Lane w/service lanes	60'	11'	100'
4 Lane w/left turn lane	60'	11'	100'
4 Lane w/left turn lane and service lanes	74'	11'	100'

(2) **Shoulder-type lane.**

(i) **Local.**

Number of Lanes	Lane Width	Shoulder	Pavement Width	R/W
2 Lane	10' ⁽¹⁾	5'	20'	60'
2 Lane cul-de-sac	10'	5'	20'	60'

Table Notes:
 (1) For commercial subdivisions, the minimum land width is 11 feet.

(ii) **Collector or arterial.**

Number of Lanes	Lane Width	Shoulder	Pavement Width	R/W
2 Lane	12'	5'	26'	70'

Number of Lanes	Lane Width	Shoulder	Pavement Width	R/W
4 Lane	12'	6'	52'	80'
4 Lane with left turn lane	12'	6'	65'	100'

O. Inverted crown type construction. Inverted crown pavement sections will be considered only on local streets and on a case-by-case bases. The length of each section will be a large feature in determining if inverted crown roads will be accepted; 700-1,000 feet is usually the longest allowable section.

(1) Local.

Number of Lanes	R/W	Pavement	Grass Shoulder
2 Lane	60'	20'	4'-6' Centipede or comparable Mat
2 Lane cul-de-sac	60'	20'	4'-6' Centipede or comparable Mat

Table Notes:

- (1) When inverted crown is used, the minimum grade from the center line shall not be less than one-half of one percent.
- (2) Except for local street, roadway widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.

P. Sight distance for vertical curves. Where vertical curves are used, the minimum sight distance must be as follows:

Type	Design Speed MPH	Min. Curve Radii	Min. Stopping Sight Distance
Local	30 MPH	275 feet	200 feet
Collector	35 MPH	350 feet	250 feet
Arterial	40 MPH	500 feet	325 feet

Q. Horizontal curves. Where a deflection angle of more than ten degrees occurs in the alignment of a marginal access or local street or road, a horizontal curve with a proper

radius based on common engineering design standards shall be introduced. A curve must be introduced at any change in direction of a collector, industrial or commercial service street or major thoroughfare. On major thoroughfares the centerline radius of curvature shall be determined by the AASHTO and GDOT design standards. On a collector, industrial or commercial service streets, the centerline radius of curvature may not be less than 350 feet. On local streets, the center-line radius of curvature may not be less than 150 feet unless the topography of the land to be subdivided makes this impractical.

- R. Street grades.** Grades on major thoroughfares shall be established by GDOT standards and specifications. Grades on collector streets shall not exceed 8% unless topographic conditions make this impractical. Grades on local residential streets may not exceed 15%. All streets shall have a minimum grade of not less than 1 ½%.
- S. Utility easements.** Easements having a minimum width of 20 feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables.
- T. Blocks.** Block length and widths must be as follows:
- (1) Lengths.** Block lengths may not exceed 1,200 feet nor be less than 400 feet.
 - (2) Widths.** Blocks must have sufficient width to allow two tiers of lots of minimum depth. Blocks may be one lot in depth where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses.
 - (3) Pedestrian ways.** Crosswalks, not less than 8 feet wide, must comply with the Manual on Uniform Traffic Control Devices and will be required by the city where it is deemed essential in order to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Handicapped accessibility per ADA shall be required where needed.
- U. Sidewalks.** Sidewalks must be installed on all arterial and collector streets. Sidewalks may be required on local streets as required by the UDC administrator and taking into consideration existing or proposed land use and proposed and/or existing housing density. All sidewalks must be constructed in accordance with GDOT standards.

Specifications, except where unusual conditions exist which eliminates the necessity for sidewalks and said exceptions, is specifically granted by the city.

- (1) The minimum width for a sidewalk is 5 feet regardless of the street classification.
- (2) Where deemed necessary for public safety, the city may require either additional sidewalks or wider sidewalks than listed above.

V. Turn lanes, driveways, access, and encroachment controls. Regulations regarding turn lanes, driveway and encroachment control are hereby adopted. Pursuant to O.C.G.A. § 36-1-20, GDOT's Regulations for Driveway and Encroachment Control manual is hereby adopted by reference and its standards shall apply to turn lanes, driveways, and encroachment controls.

W. Street name signs. Street name signs must be installed at all intersections within a subdivision. The location and design must be approved by the UDC administrator. All signs must be of the same type used as standard types by the city and as approved by the UDC administrator. The following are the minimum criteria for sign standard:

- (1) All signs must conform to the Manual on Uniform Traffic Control Devices, latest edition.
- (2) Signs must be installed on round or rectangular cross section aluminum posts.
- (3) All signs must be green high intensity grade sheeting on both sides.
- (4) Street name blades must be 9 inches. Streets to be dedicated to the city must exhibit green street name blades. Streets intended not to be dedicated to the city must exhibit blue street name blades.
- (5) Six-inch white/silver hi-intensity, upper and lower case series "C" letters.
- (6) Quadrant and street suffixes, 3-inch series "C" upper case letters.
- (7) A white/silver hi-intensity border line 2 inches from all edges is required.

X. Street lights and poles. Installation of street lights and poles must be carried out by the subdivider and be approved by the appropriate electric power company and the city. All structural components of poles, bases, anchor bolts, luminaries, and other attachments to be used for roadway and other lighting must be designed in accordance with AASHTO

"Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals".

- (1) In general, light poles should be placed outside the clear zones and spaced throughout the subdivision (maximum cobrahead type lighting - 280 feet, and maximum decorative pole, vertical type lighting - 180 feet). Light poles should be located on the right side of the street whenever possible. Lighting for safety must be provided at intersections, along walkways, at entryways, between buildings, in parking areas, at sharp curve and turns, at the end of dead-end streets or cul-de-sacs.
 - (2) The maximum height of streets lights and poles may not exceed the maximum building height permitted or 25 feet, whichever is less. The height and shielding of lighting standards must minimize visual discomfort and impairment of driver and pedestrian vision due to glare. It shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards must be of a type appropriate to the development and the city.
 - (3) Spotlights on monuments and signs, if used, must be placed on standards pointing toward the buildings and positioned so as not to blind the residents rather than on the buildings and directed outwards which creates dark shadows adjacent to buildings.
 - (4) Lighting placements must be approved by the UDC administrator before erection.
 - (5) The city is not liable for the power cost of street lights serving public roads in subdivisions until the subdivision infrastructure construction is complete and accepted by the city and 80% of the proposed homes per the final plat have been issued certificates of occupancy.
 - (6) The city is not liable for the power cost of street lights serving private roads.
- Y. General suitability.** It is the responsibility of the property subdivider to ensure that the site characteristics are in accordance with all wetlands ordinances, flood ordinances and drainage ordinances. The city may not approve any subdivision without proof on the part of the developer that these ordinances are properly met. In addition, the city may not approve a subdivision where the soil conditions have been determined that the soils are

not suitable for development purposes of the kind proposed. The city may not approve any subdivisions proposed for flood prone areas which are not meeting all flood insurance regulations.

- Z. Street dedication procedures.** Applicants seeking to dedicate a street to the city must fill out an official street dedication form and submit it to the UDC administrator.

Section 3.2.4 - Design Standards for Lots

- A. Lot arrangement, design, and shape generally.** The lot arrangement, design, and shape shall be reasonably related to topography and may not contain offsets, irregularities, or normally unusable elongations for the sole purpose of providing the required minimum lot area, providing access to a right-of-way through a narrow stem (commonly called a flag lot), or prohibiting access to a right-of-way from an adjacent lot with what is commonly called a spite strip.
- B. Shape of lots.** Excessive depth in relation to width must be avoided, with a normal proportion of depth to width of two to one (2:1).
- C. Access to lots.** All lots must abut a public right-of-way for a minimum length of 30 feet. Subdivisions utilizing a condominium or similar ownership scheme are not required to meet this provision provided each lot has access to a public right-of-way through commonly-owned property.
- D. Arrangement of lots.** Side lot lines must be substantially at a right angle to straight street lines or radial to curved street lines.
- E. Double frontage lots.** Double frontage lots must be avoided except where they are needed to provide for the separation of residential development from traffic arteries, expressways, railroads, high voltage power lines, gas transmission lines, cemeteries, commercial and industrial uses, or to overcome specific disadvantages of topography, environment, or orientation. In such instances, a planting screen easement a minimum of 25 feet wide must be provided on the residential lot in addition to the required minimum lot area. No right of access shall be provided onto, through, or across the easement and no structure may be placed upon it.
- F. Re-subdivision of lots within a residential subdivision.** Lots within an existing residential subdivision may not be further subdivided if such re-subdivision would create

lots of such size, shape, or orientation that their existence could alter or change the character of the recorded subdivision in terms of the visual quality or consistency of the established development pattern or adversely affect the property values or quality of life for residents or owners of lots within the recorded subdivision.

Section 3.2.5 - Illustrations of Certain Construction Standards

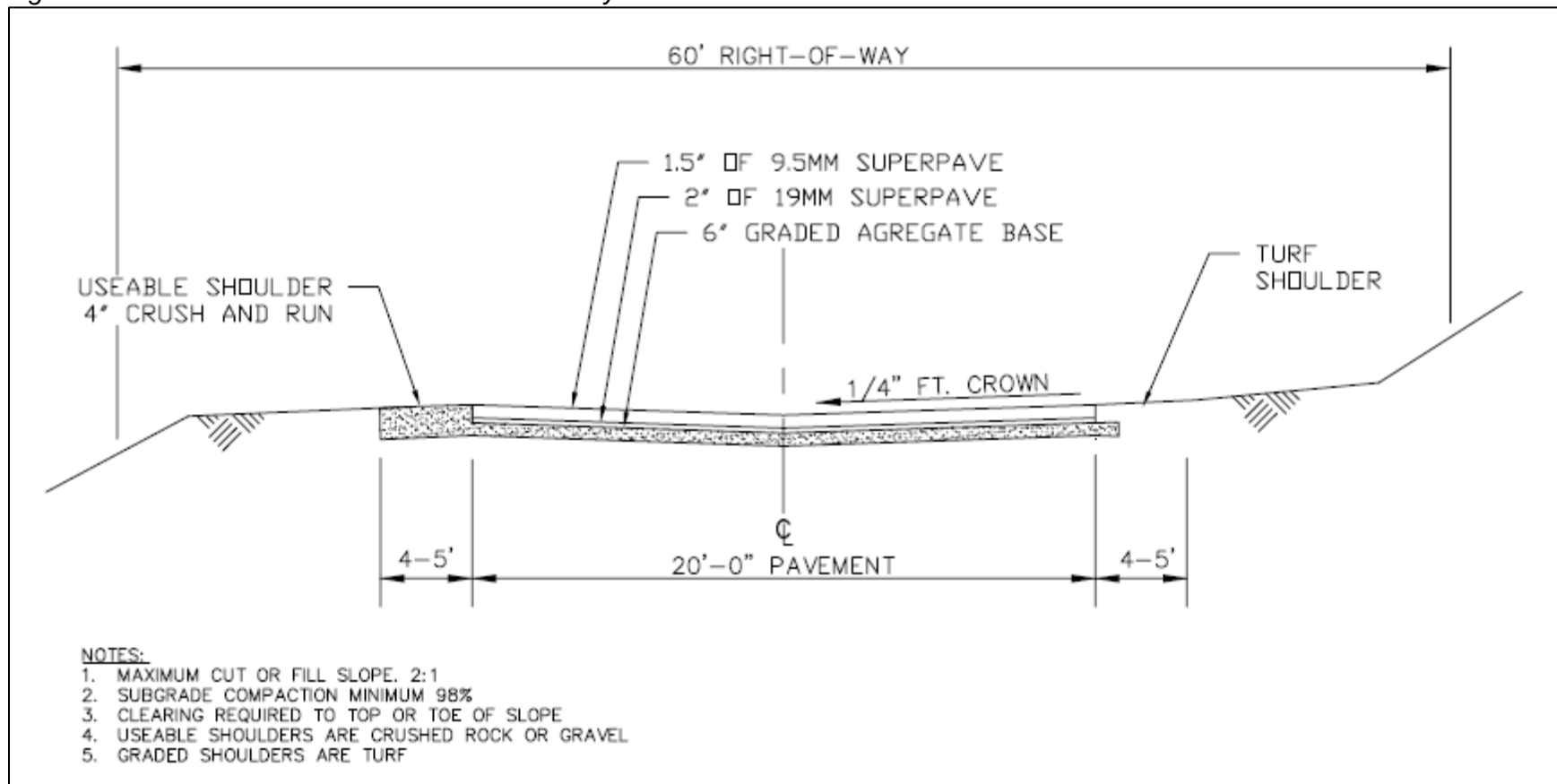
A. Adopted standards. The city hereby adopts the following illustrations and diagrams within this Section as minimum standards for the specified types of construction and installation activities:

- (1) Figure 3.2.5-A - Section of Inverted Crown Roadway
- (2) Figure 3.2.5-B - Section of Collector Road with Curb and Gutter
- (3) Figure 3.2.5-C - Section of Local Road with Curb and Gutter
- (4) Figure 3.2.5-D - Section of Collector Road with Shoulders
- (5) Figure 3.2.5-E - Section of Local Road with Shoulders
- (6) Figure 3.2.5-F - Concrete Curb and Gutter
- (7) Figure 3.2.5-G - Sidewalk Details
- (8) Figure 3.2.5-H - Typical Fire Hydrant Detail
- (9) Figure 3.2.5-I - Typical Sewer Service Connection
- (10) Figure 3.2.5-J - Sanitary House Service Connection
- (11) Figure 3.2.5-K - Typical Water Meter Service
- (12) Figure 3.2.5-L - Typical Water Service Connection
- (13) Figure 3.2.5-M – Typical Water Main/Water Service Lateral Installation (Subdivisions)
- (14) Figure 3.2.5-N - Utility Placement in Streets with Curb and Gutter

- (15) Figure 3.2.5-O - Utility Placement in Streets with Shoulders
- (16) Figure 3.2.5-P - Easements for Storm Pipes
- (17) Figure 3.2.5-Q - Cul-De-Sac Minimum Lengths
- (18) Figure 3.2.5-R - Residential Driveway Standards
- (19) Figure 3.2.5-S - Minimum Required Site Distances at Intersections
- (20) Figure 3.2.5-T - Stopping Site Distance Requirements for Driveways and Side Streets
- (21) Figure 3.2.5-U - Typical Street Repair

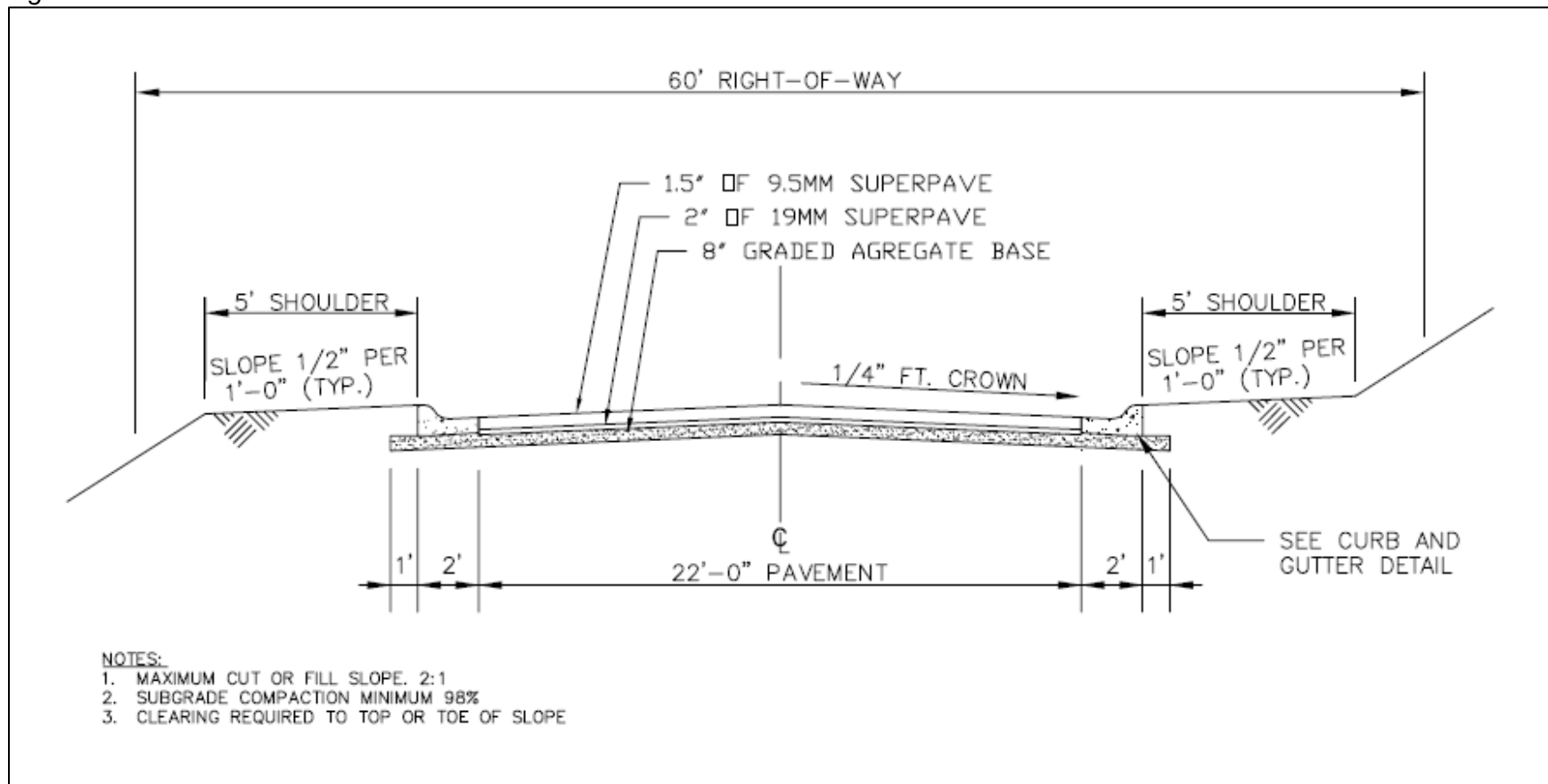
B. Inverted road crown. Specifications for a typical inverted road crown are shown in Figure 3.2.5-A - Section of Inverted Crown Roadway.

Figure 3.2.5-A - Section of Inverted Crown Roadway



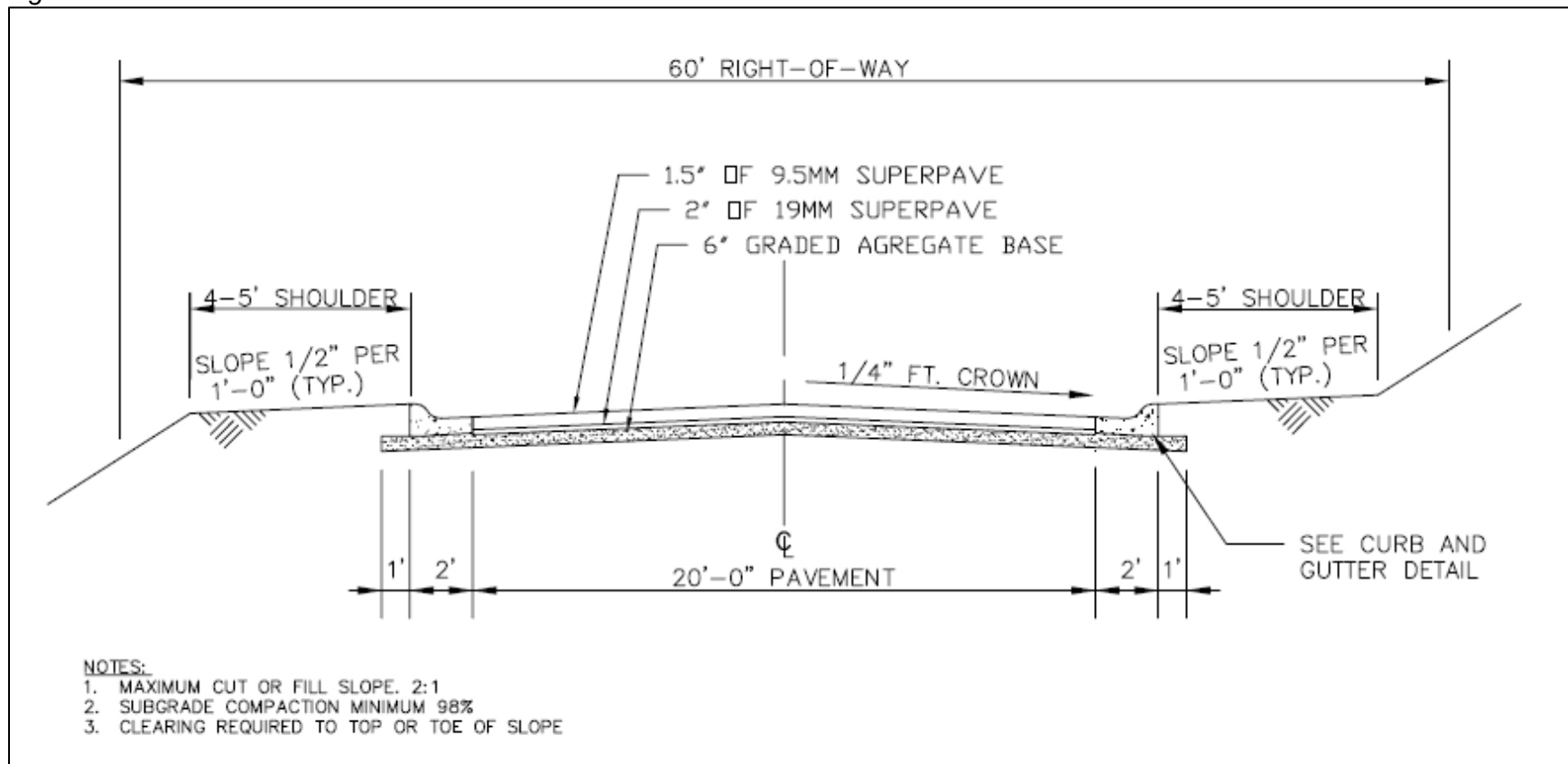
C. Collector road with curb and gutter. Specifications for a typical collector road with curb and gutter are shown in Figure 3.2.5-B - Section of Collector Road with Curb and Gutter.

Figure 3.2.5-B - Section of Collector Road with Curb and Gutter



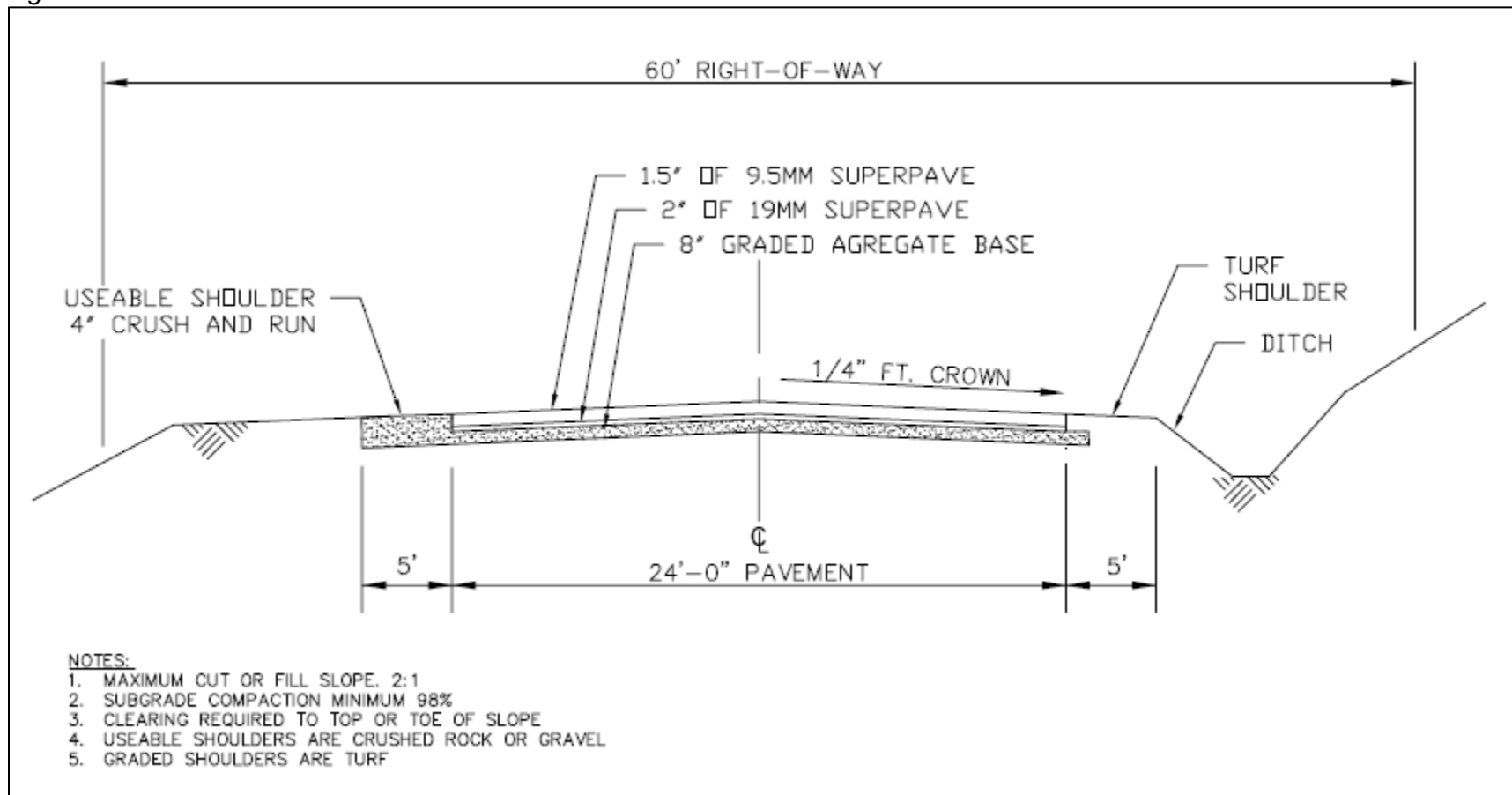
D. Local road with curb and gutter. Specifications for a typical local road with curb and gutter are shown in Figure 3.2.5-C - Section of Local Road with Curb and Gutter.

Figure 3.2.5-C - Section of Local Road with Curb and Gutter



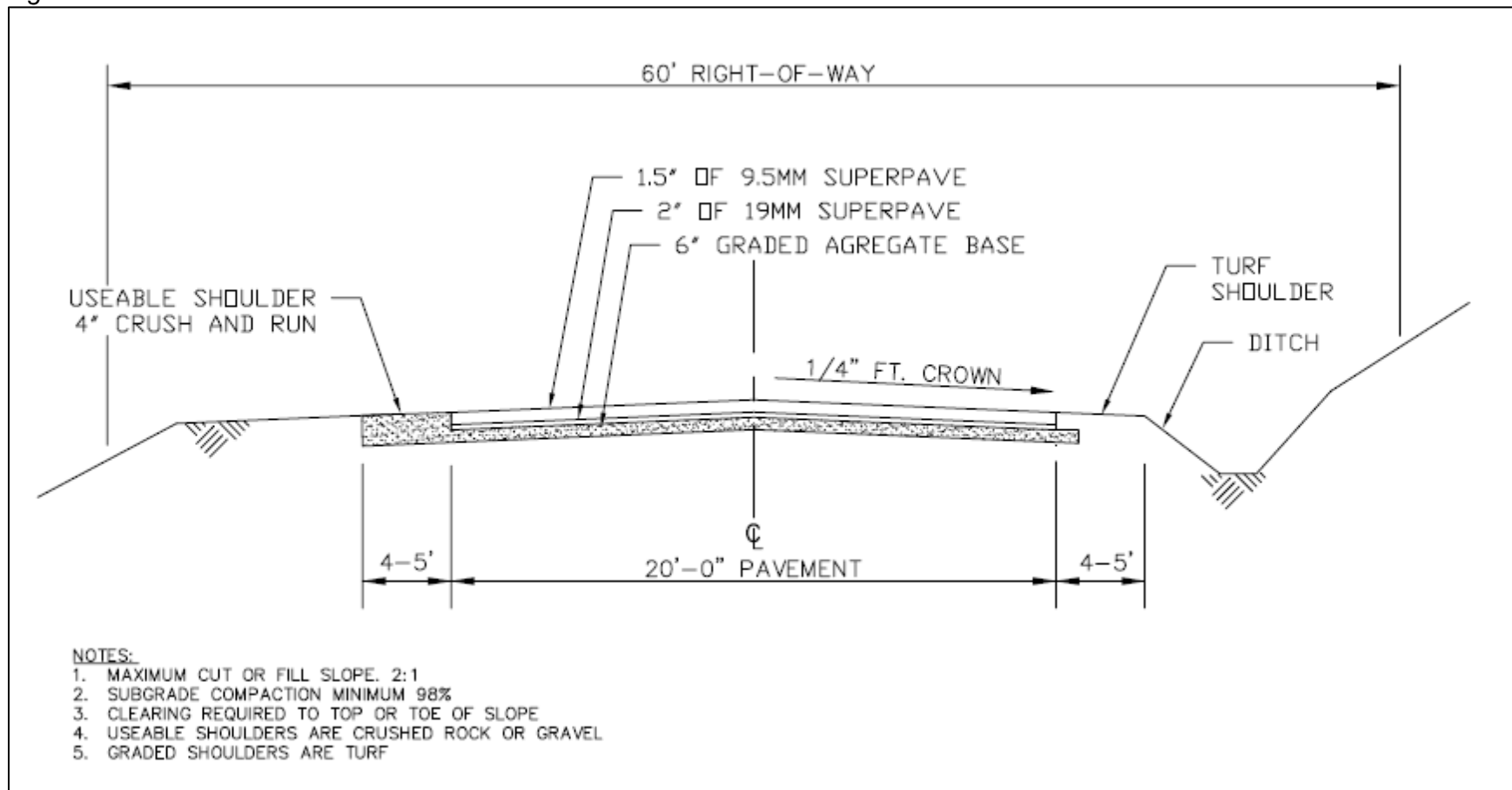
E. Collector road with shoulders. Specifications for a typical collector road with shoulders are shown in Figure 3.2.5-D - Section of Collector Road with Shoulders.

Figure 3.2.5-D - Section of Collector Road with Shoulders



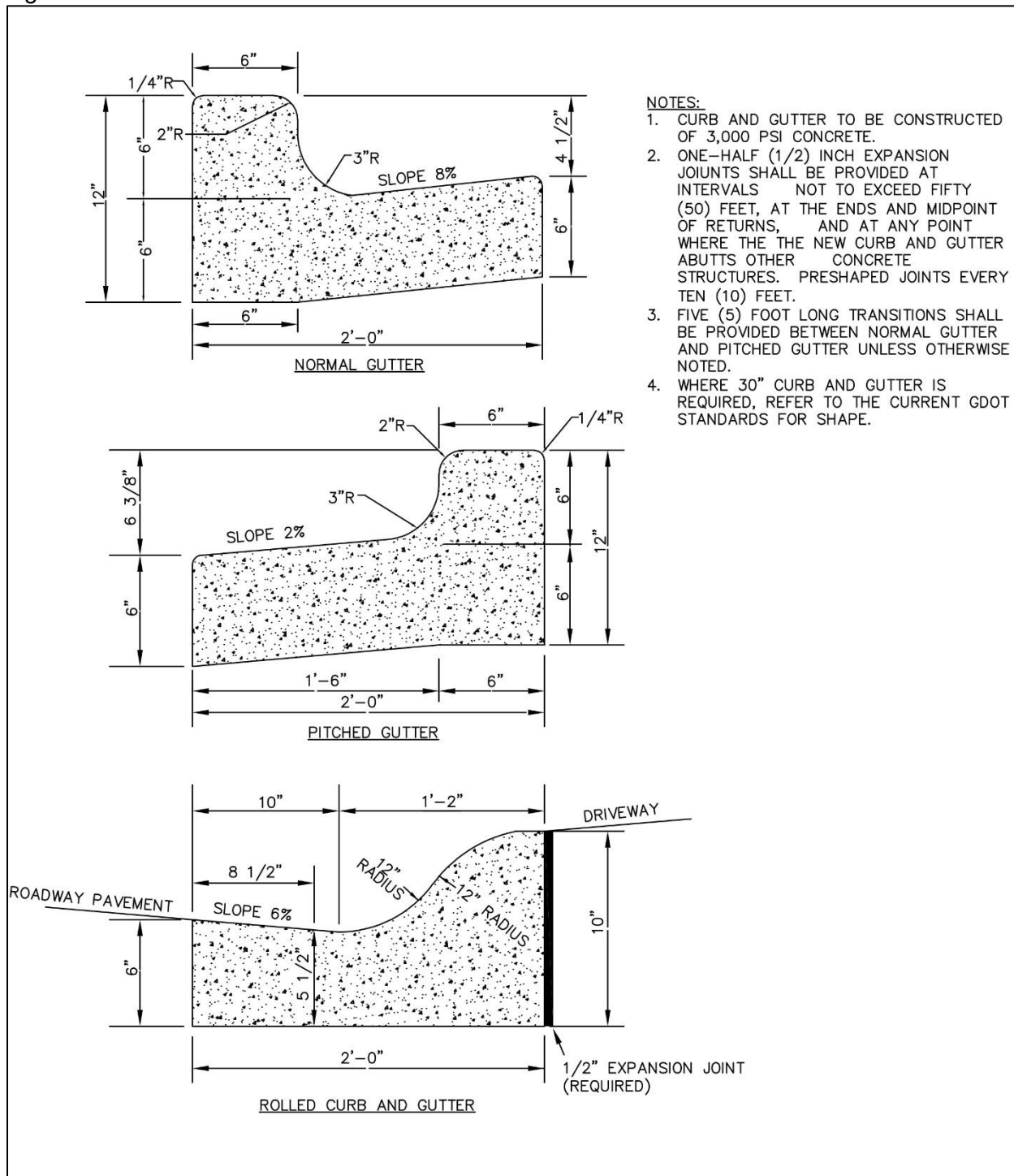
F. **Local road with shoulders.** Specifications for a typical local road with shoulders are shown in Figure 3.2.5-E - Section of Local Road with Shoulders.

Figure 3.2.5-E - Section of Local Road with Shoulders



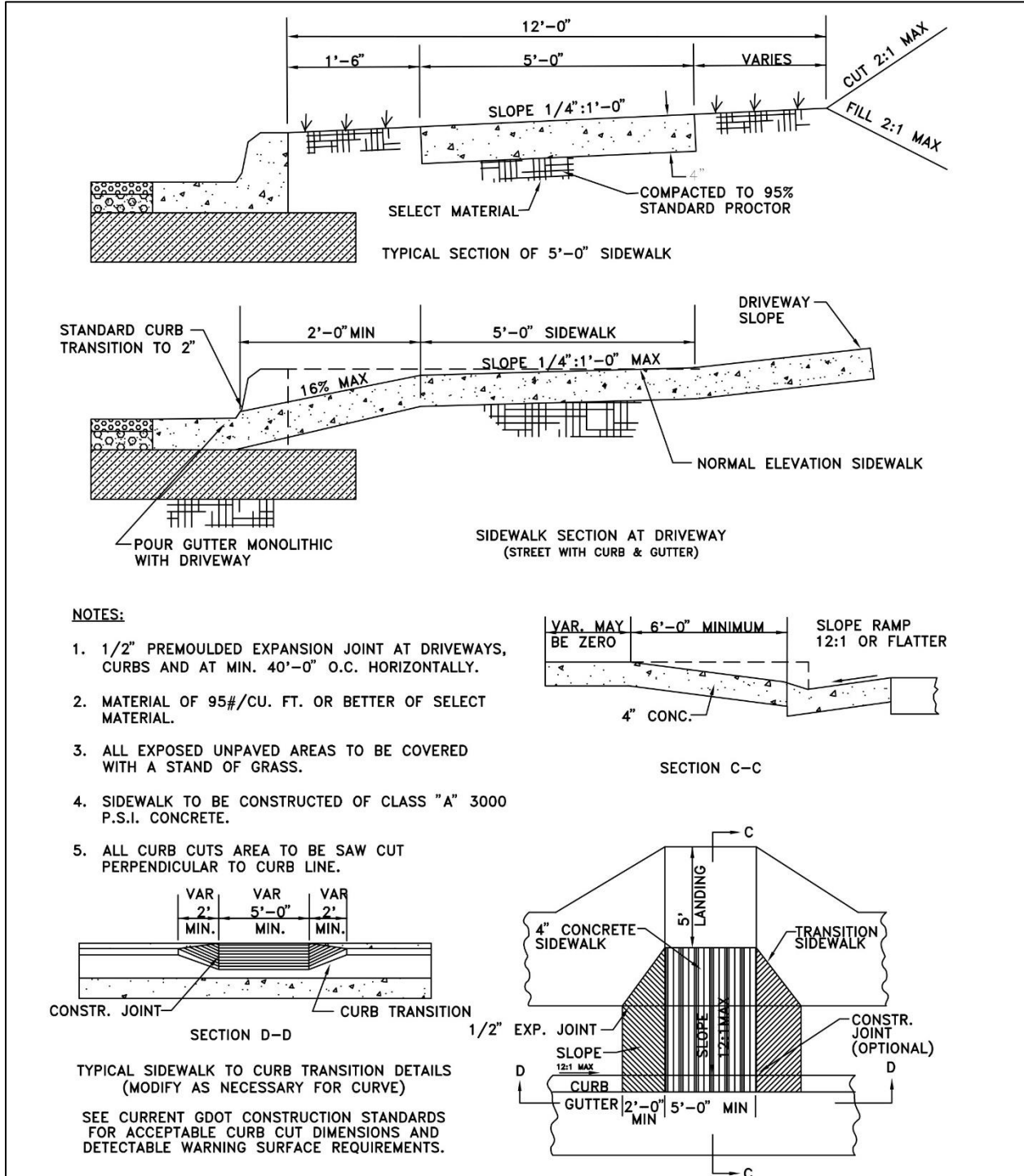
G. Concrete curb and gutter. Specifications for concrete curb and gutter are shown in Figure 3.2.5-F - Concrete Curb and Gutter.

Figure 3.2.5-F - Concrete Curb and Gutter



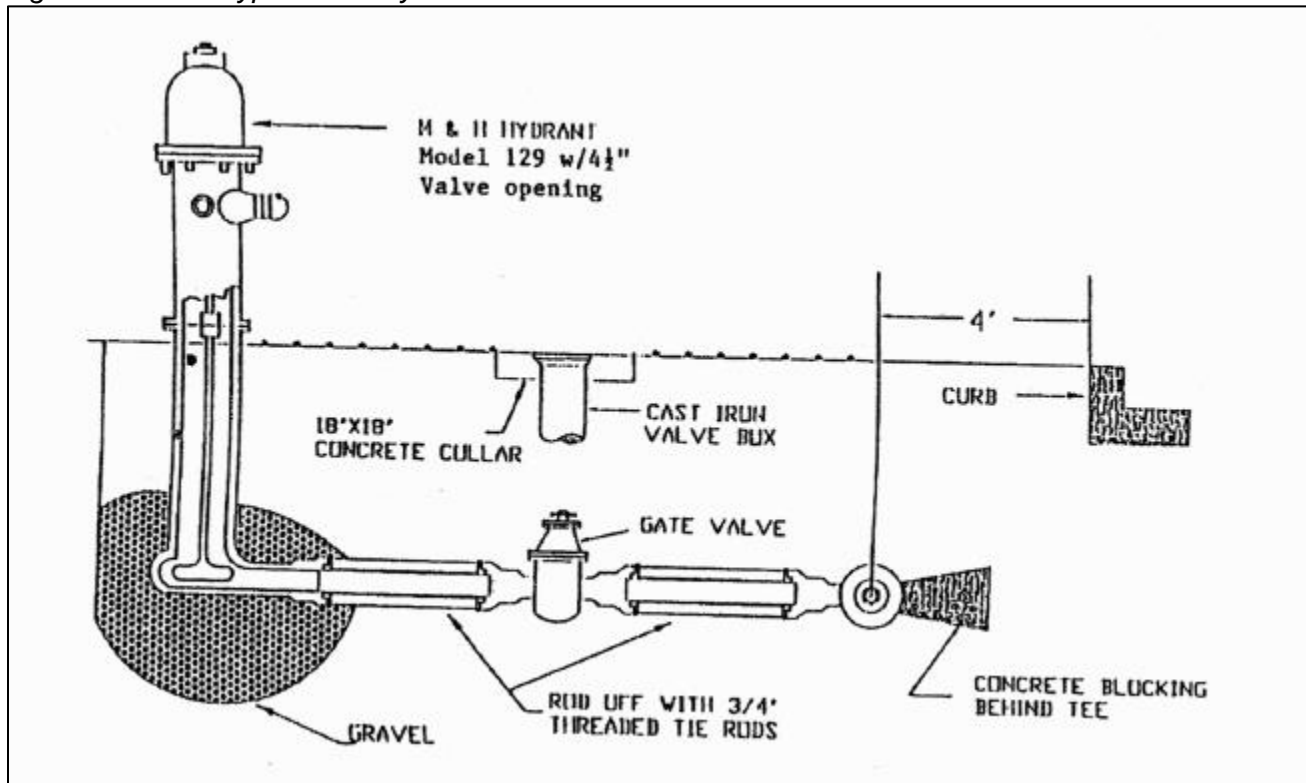
H. Sidewalk detail. Specifications for sidewalks are shown in Figure 3.2.5-G - Sidewalk Details.

Figure 3.2.5-G - Sidewalk Details



- I. **Fire hydrant detail.** Specifications for water service related to fire hydrants is shown in Figure 3.2.5-H - Typical Fire Hydrant Detail.

Figure 3.2.5-H - Typical Fire Hydrant Detail



J. Sewer service connection. Specifications for typical sewer service connections are shown in Figure 3.2.5-I - Typical Sewer Service Connection and Figure 3.2.5-J - Sanitary House Service Connection.

Figure 3.2.5-I - Typical Sewer Service Connection

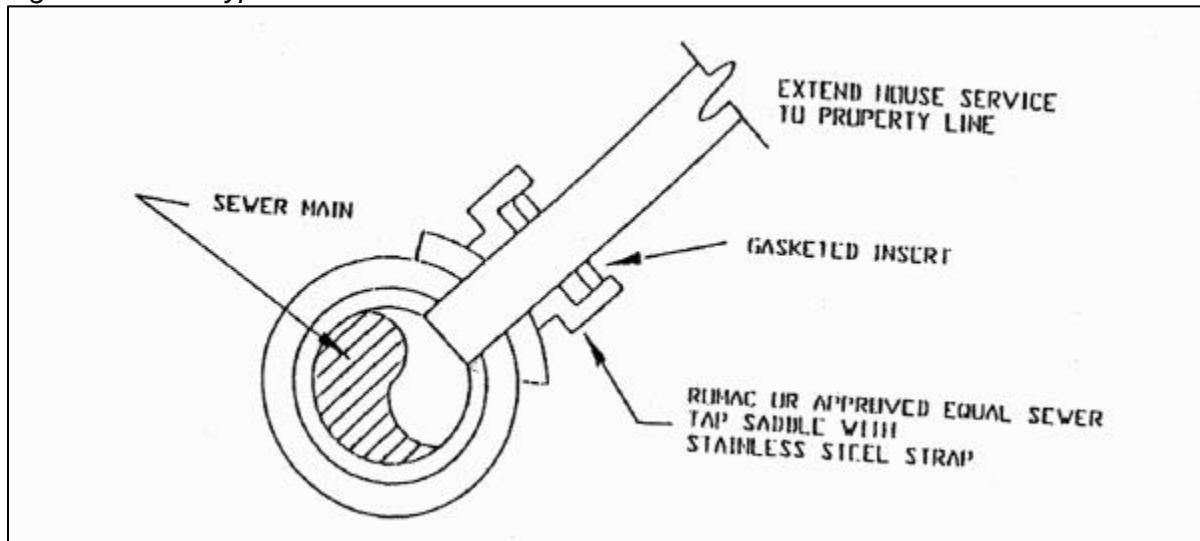
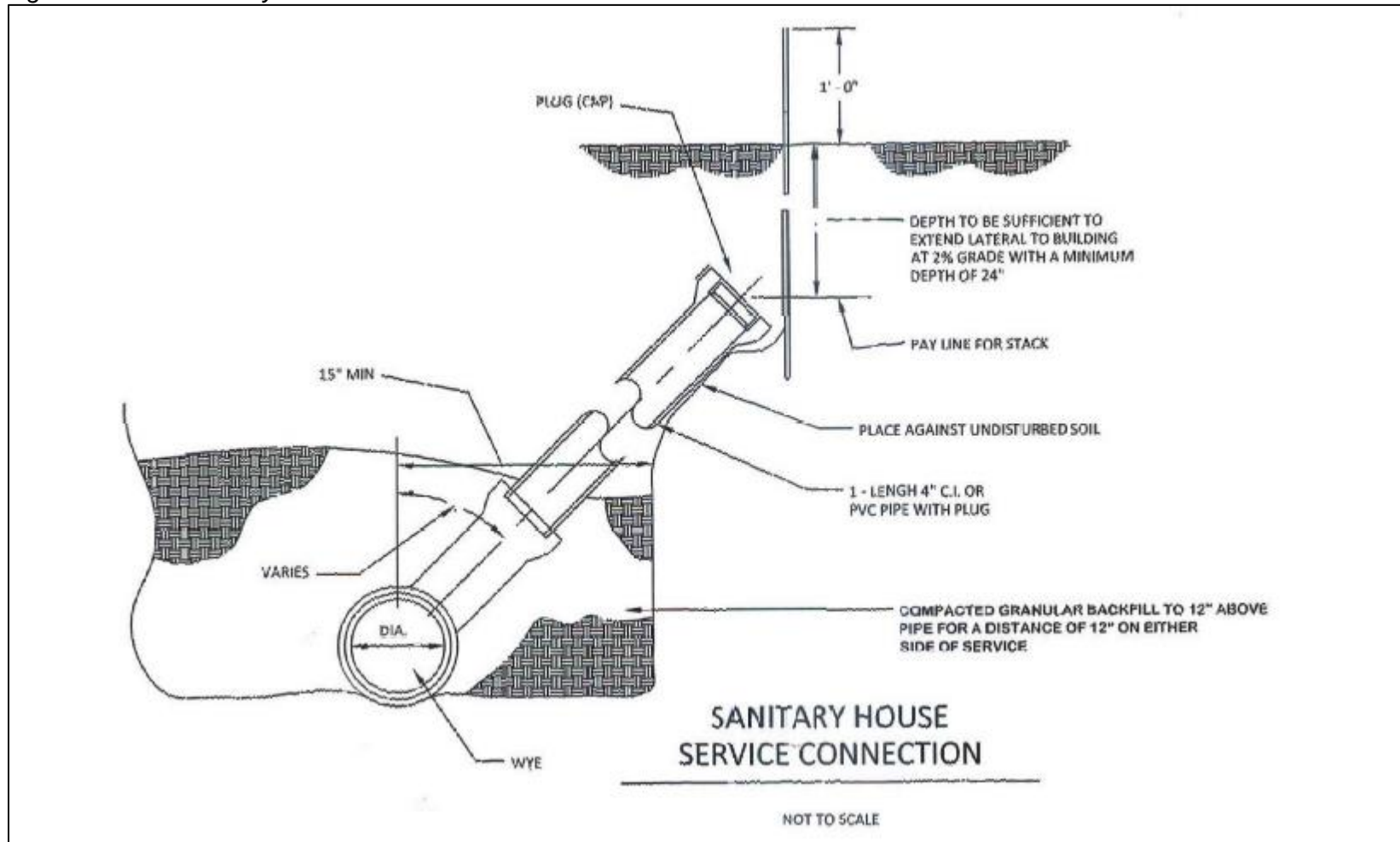


Figure 3.2.5-J - Sanitary House Service Connection



K. Water meter service. Specifications for typical 3/4" or 1" water service is shown in Figure 3.2.5-K - Typical Water Meter Service. Specifications for typical water service connection to a water main are shown in Figure 3.2.5-L - Typical Water Service Connection.

Figure 3.2.5-K - Typical Water Meter Service

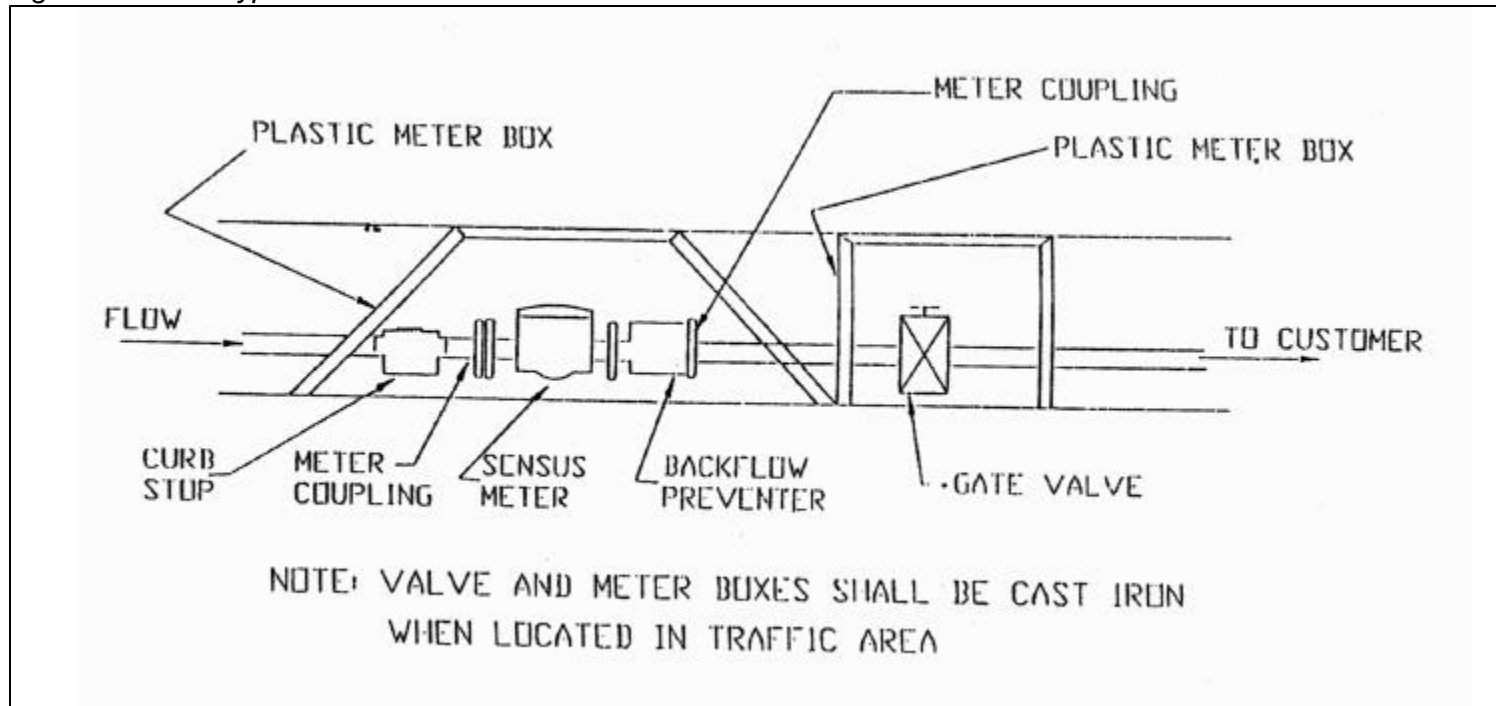
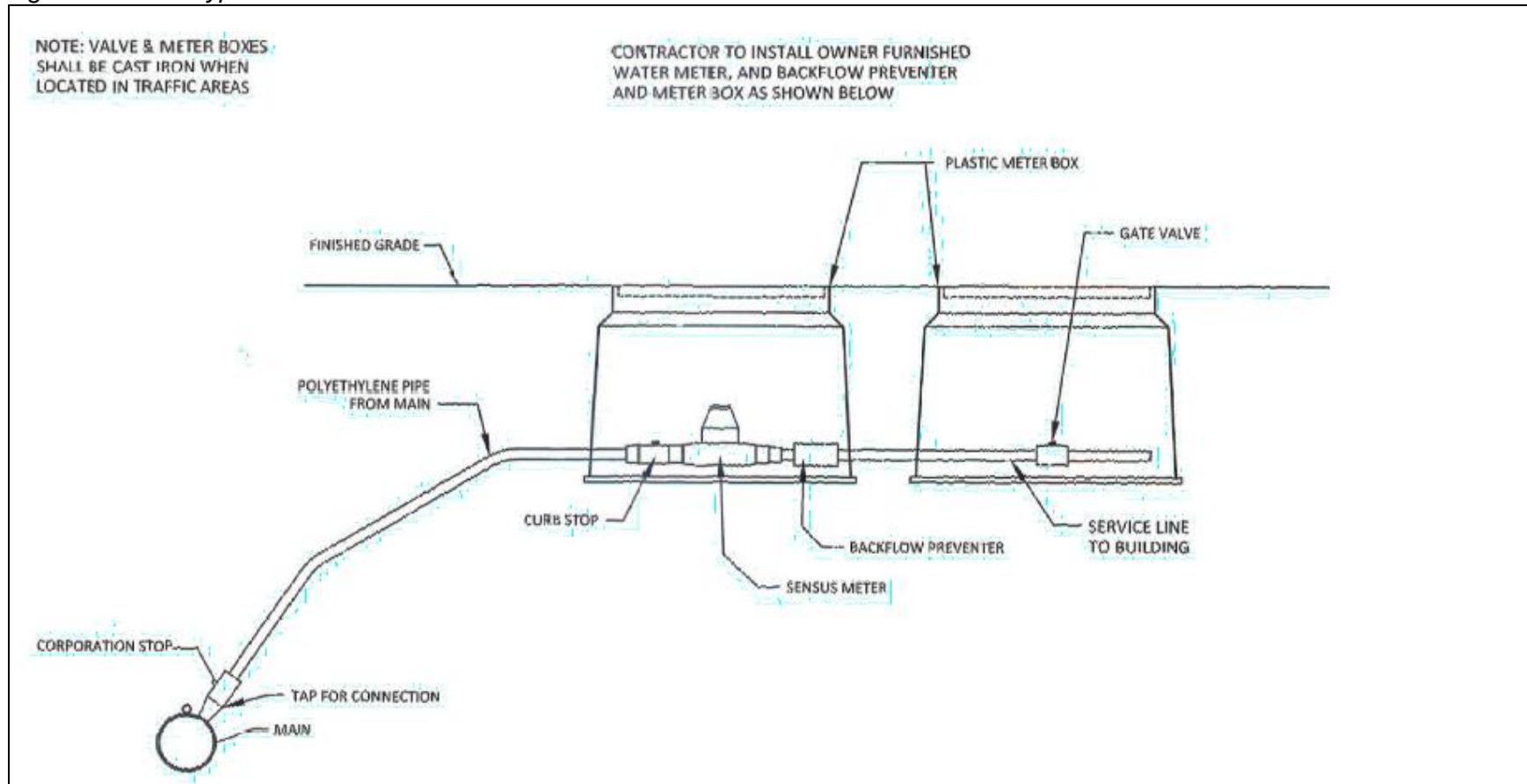


Figure 3.2.5-L - Typical Water Service Connection



- L. **Typical utility placement in streets.** Typical utility placement specifications are illustrated in Figure 3.2.5-M – Typical Water Main/Water Service Lateral Installation (Subdivisions) and Figure 3.2.5-N - Utility Placement in Streets with Curb and Gutter. Utility placement specifications are provided as follows.

Figure 3.2.5-M – Typical Water Main/Water Service Lateral Installation (Subdivisions)

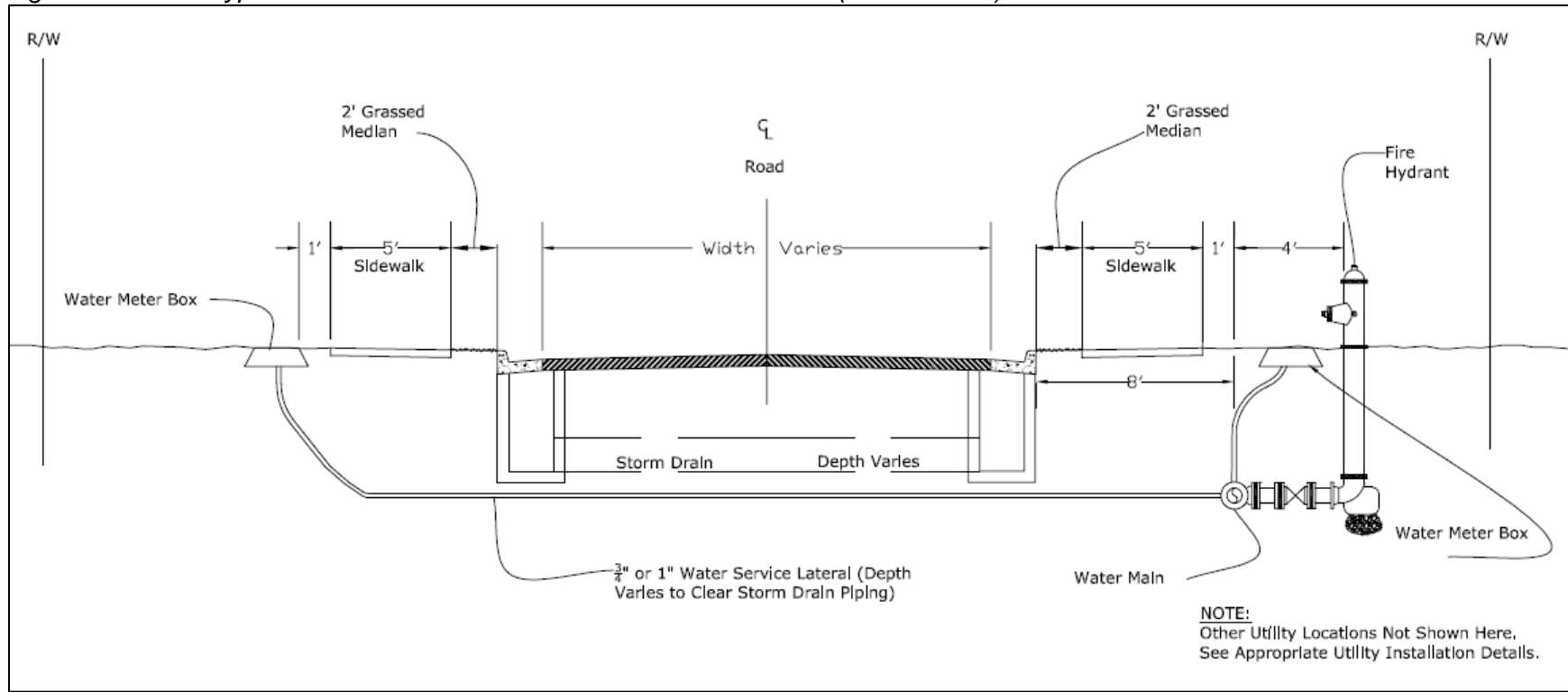
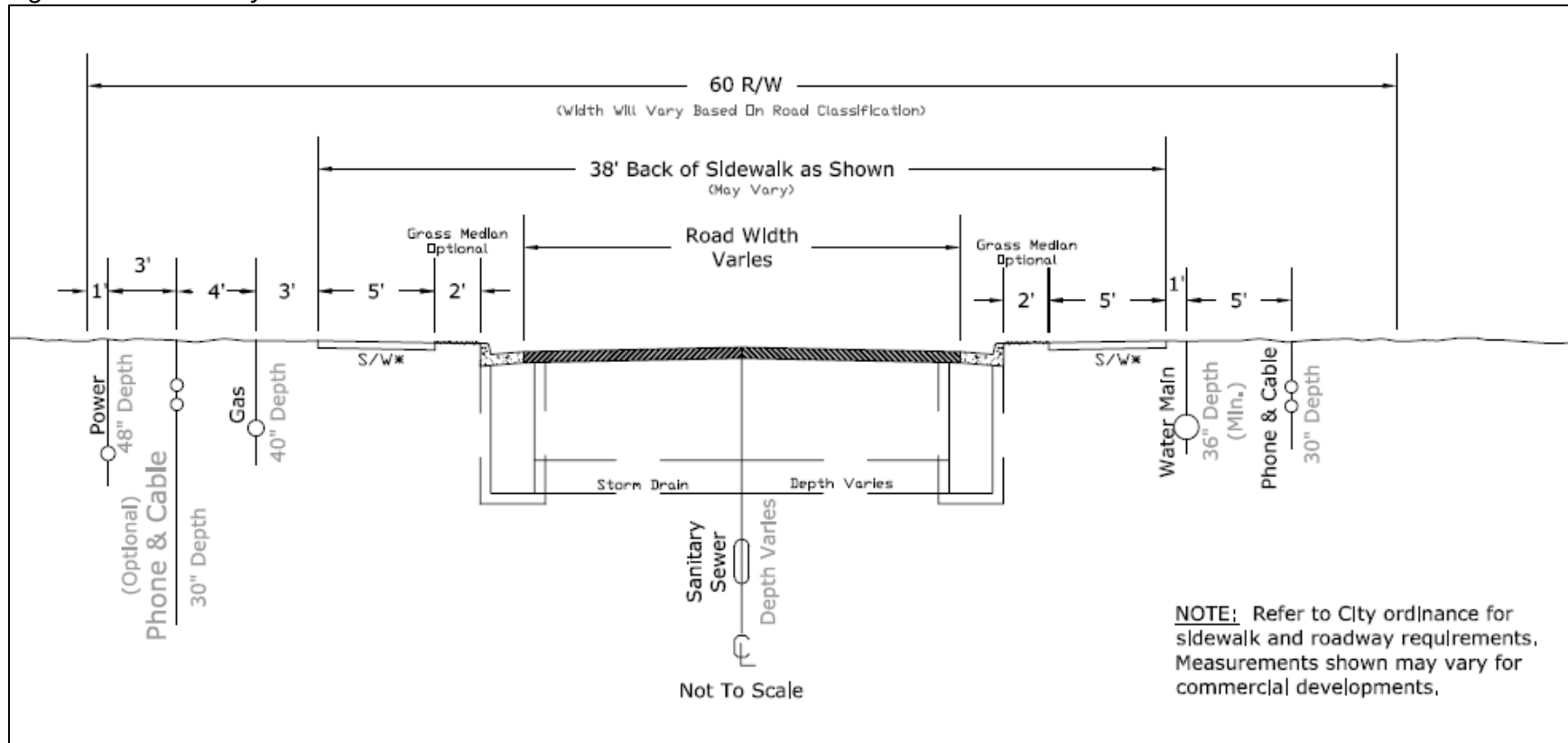


Figure 3.2.5-N - Utility Placement in Streets with Curb and Gutter



(1) General notes.

- (i) Developer responsible for providing adequate vertical and horizontal control points to allow for proper utility placement for the duration of the project.
- (ii) Long side sewer laterals to terminate 12 feet behind the back of the curb.
- (iii) All sewer service laterals shall have #12 copper locator wire secured to the lateral for future location purposes.

- (iv) Before utilities can be installed all areas that receive underground utilities must be constructed to finished grade .5'.
- (v) Entire rights-of-way and easements with proposed utilities shall be cleared and grubbed completely. The remaining reserved municipal utility easement which will not have utilities initially installed shall have the first 5 feet from the right-of-way cleared and grubbed. The remaining 5 feet can be left undisturbed.
- (vi) Erosion control measures may not be within the limits of the areas cleared.

(2) Utility infrastructure installation sequence:

- (i) Storm sewer/catch basins
- (ii) Sanitary sewer mains/water mains and sanitary sewer laterals/water service lateral
- (iii) Gas mains
- (iv) Power
- (v) Cable/phone (joint trench)
- (vi) Curb and gutter/base and paving

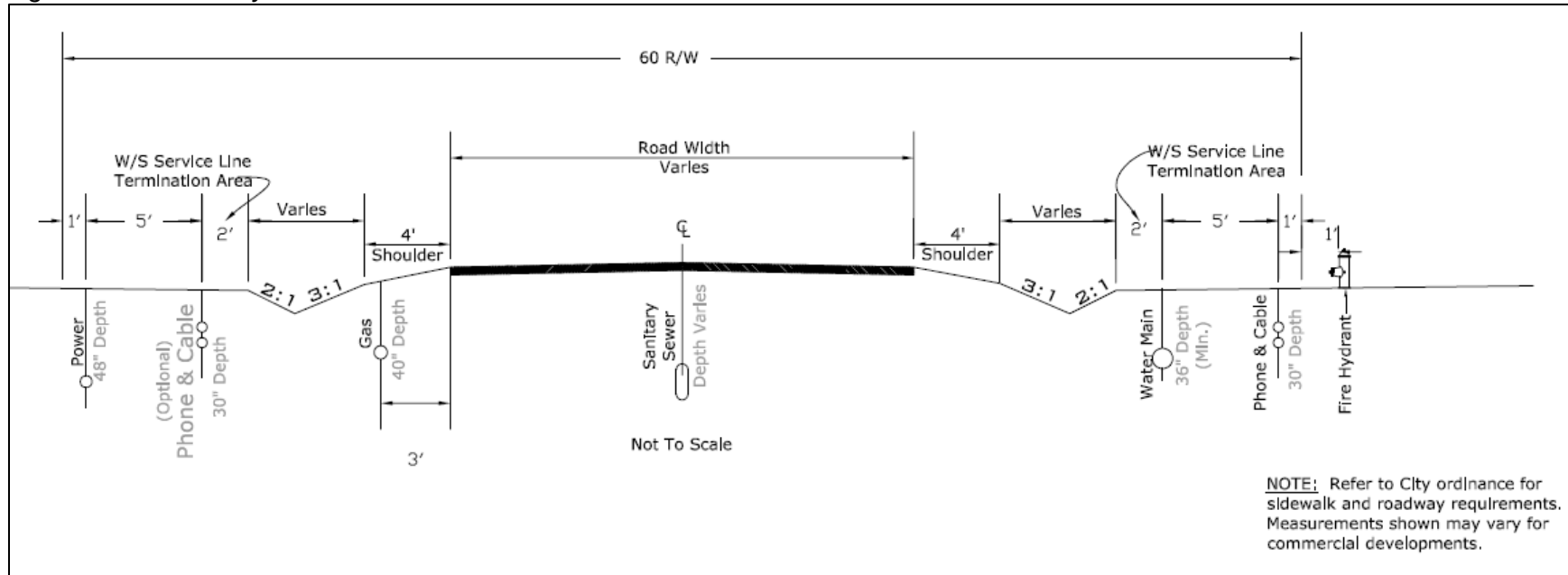
(3) Required scheduling:

- (i) A utility pre-construction meeting shall be called by the UDC administrator before installing any utilities. During this meeting the scheduling of utility installations and the time limits for installing these utilities shall be determined.
- (ii) Attendees shall include all utility providers, developer, developer's design engineer, general contractor and city representatives.

- (iii) The UDC administrator and the City Water Sewer Superintendent shall enforce the scheduling limits for utility installations.

M. Utility placement with open ditch roads. Utility placement specifications for subdivisions with open ditches are shown in Figure 3.2.5-O - Utility Placement in Streets with Shoulders and as follows.

Figure 3.2.5-O - Utility Placement in Streets with Shoulders



(1) General notes:

- (i) The design engineer has the flexibility to place the sewer within either 10-foot municipal utility easement in order to minimize the depth of the sewer main. Water main to be located in municipal easement on opposite side of roadway from sewer main.

- (ii) Developer responsible for providing adequate vertical and horizontal control points to allow for proper utility placement for the duration of the project. Stakes to be placed at property corners as well as offset 10 feet from property corners. Vertical control to be provided at least every 250 feet to 300 feet.
- (iii) All sewer service laterals shall have #12 copper locator wire secured to the lateral for future location purposes.
- (iv) Before utilities can be installed all areas that receive underground utilities must be constructed to finished grade .5'.
- (v) Entire rights-of-way and easements with proposed utilities shall be cleared and grubbed completely.
- (vi) Long side water services to be installed at least 4.5 feet deep from water main to backslope of ditch on opposite side of roadway.
- (vii) Erosion control measures may not be within the limits of the areas cleared.

(2) Utility infrastructure installation sequence:

- (i) Storm water ditches
- (ii) Sanitary sewer mains/water mains and sanitary sewer laterals/water service laterals
- (iii) Gas mains
- (iv) Power
- (v) Cable/phone (joint trench)

(3) Required scheduling:

- (i) A utility pre-construction meeting shall be called by the UDC administrator before installing any utilities. During this meeting the scheduling of utility installations and the time limits for installing these utilities shall be confirmed.

- (ii) Attendees shall include all utility providers, developer, developer's design engineer, general contractor, and city representatives.
- (iii) The UDC administrator and the chief building official shall enforce the scheduling limits for utility installations.

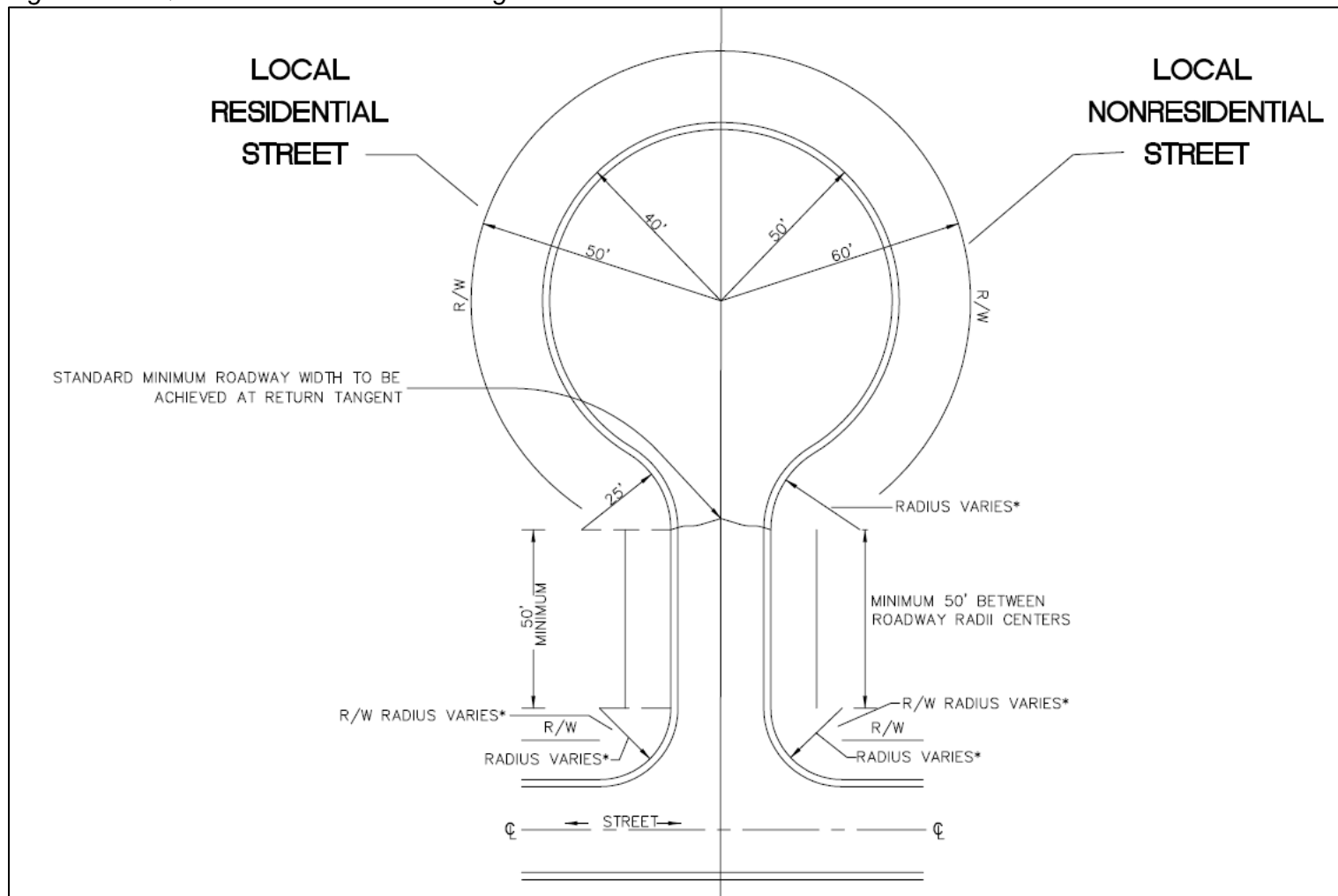
N. Easements for storm pipes. Required easements for storm pipes are shown in Figure 3.2.5-P - Easements for Storm Pipes.

Figure 3.2.5-P - Easements for Storm Pipes

PIPE SIZE (IN)	MAXIMUM PIPE INVERT DEPTH (FT)												
	4	5	6	7	8	9	10	11	12	13	14	15	16
15	20	20	20	20	20	25	25	30	30	30	35	35	40
18	20	20	20	20	20	25	25	30	30	30	35	35	40
24	20	20	20	20	20	25	25	30	30	30	35	35	40
30	20	20	20	20	25	25	25	30	30	35	35	35	40
36	20	20	20	20	25	25	25	30	30	35	35	35	40
42		20	20	20	25	25	30	30	30	35	35	40	40
48		20	20	20	25	25	30	30	30	35	35	40	40
54			20	25	25	25	30	30	35	35	35	40	40
60			20	25	25	25	30	30	35	35	35	40	40
66				25	25	30	30	30	35	35	40	40	40
72				25	25	30	30	30	35	35	40	40	40

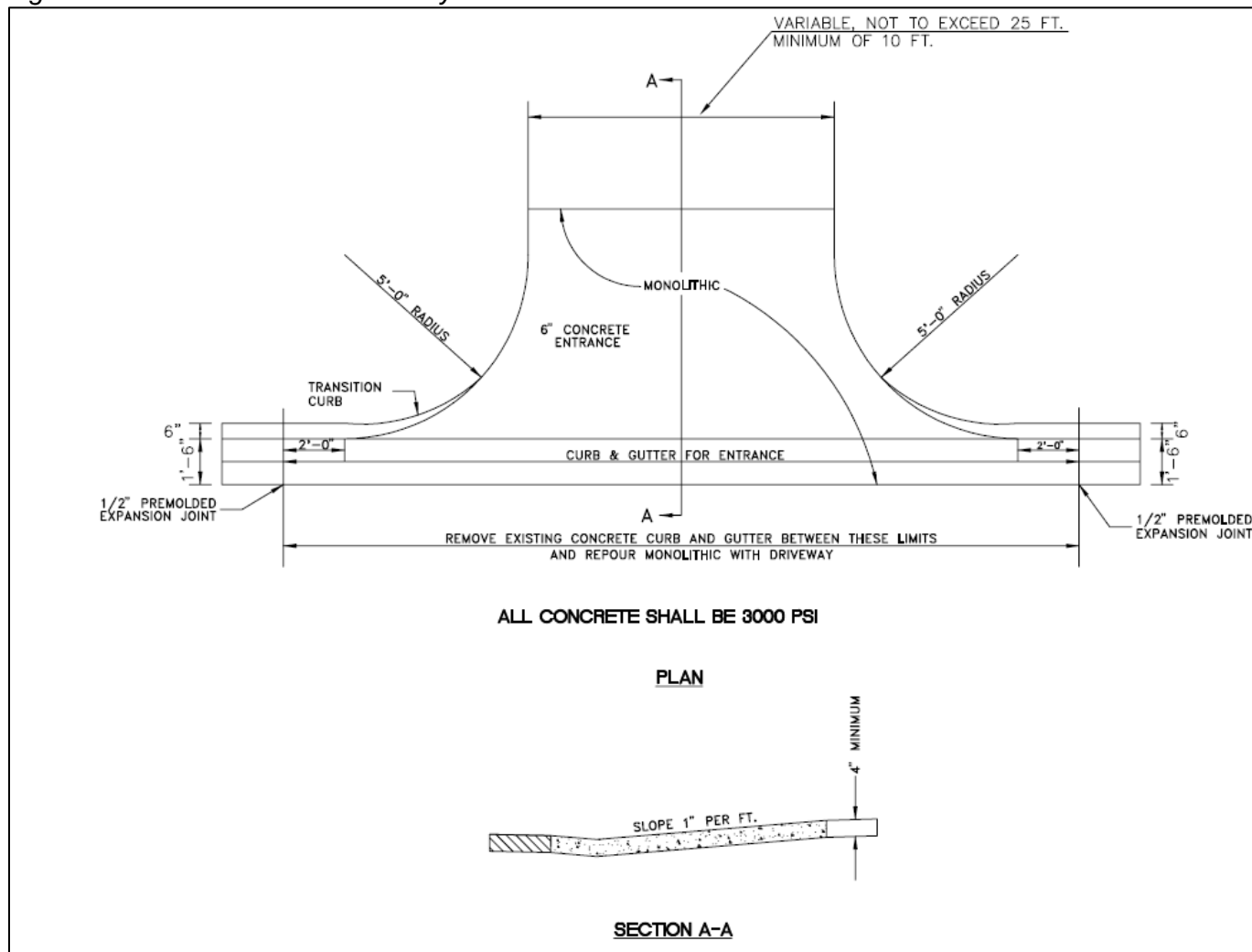
- O. **Cul-de-sac minimum lengths.** Minimum standards for cul-de-sacs are shown in Figure 3.2.5-Q - Cul-De-Sac Minimum Lengths.

Figure 3.2.5-Q - Cul-De-Sac Minimum Lengths



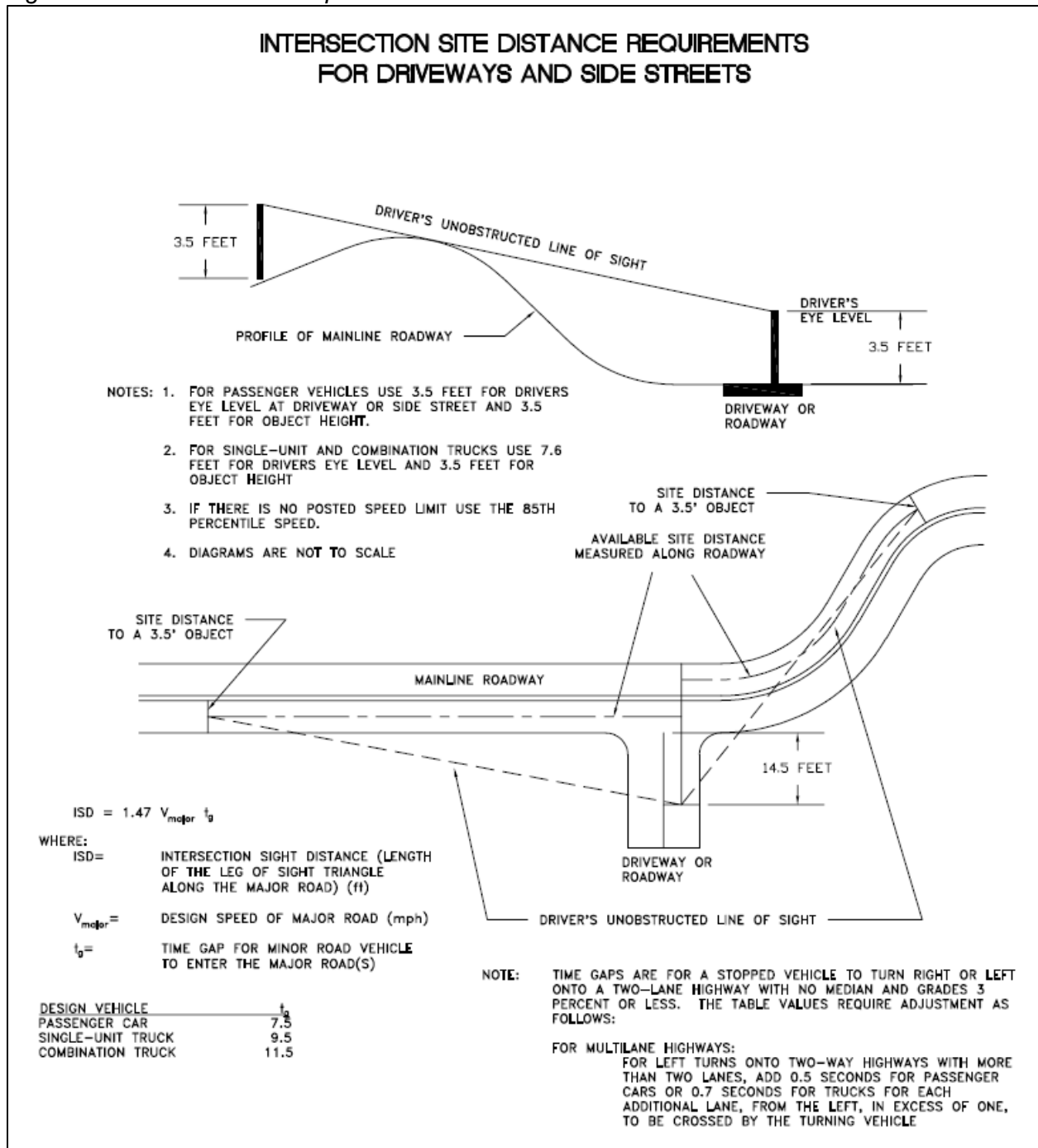
P. Residential driveway standards. Standards for residential driveways are shown in Figure 3.2.5-R - Residential Driveway Standards.

Figure 3.2.5-R - Residential Driveway Standards



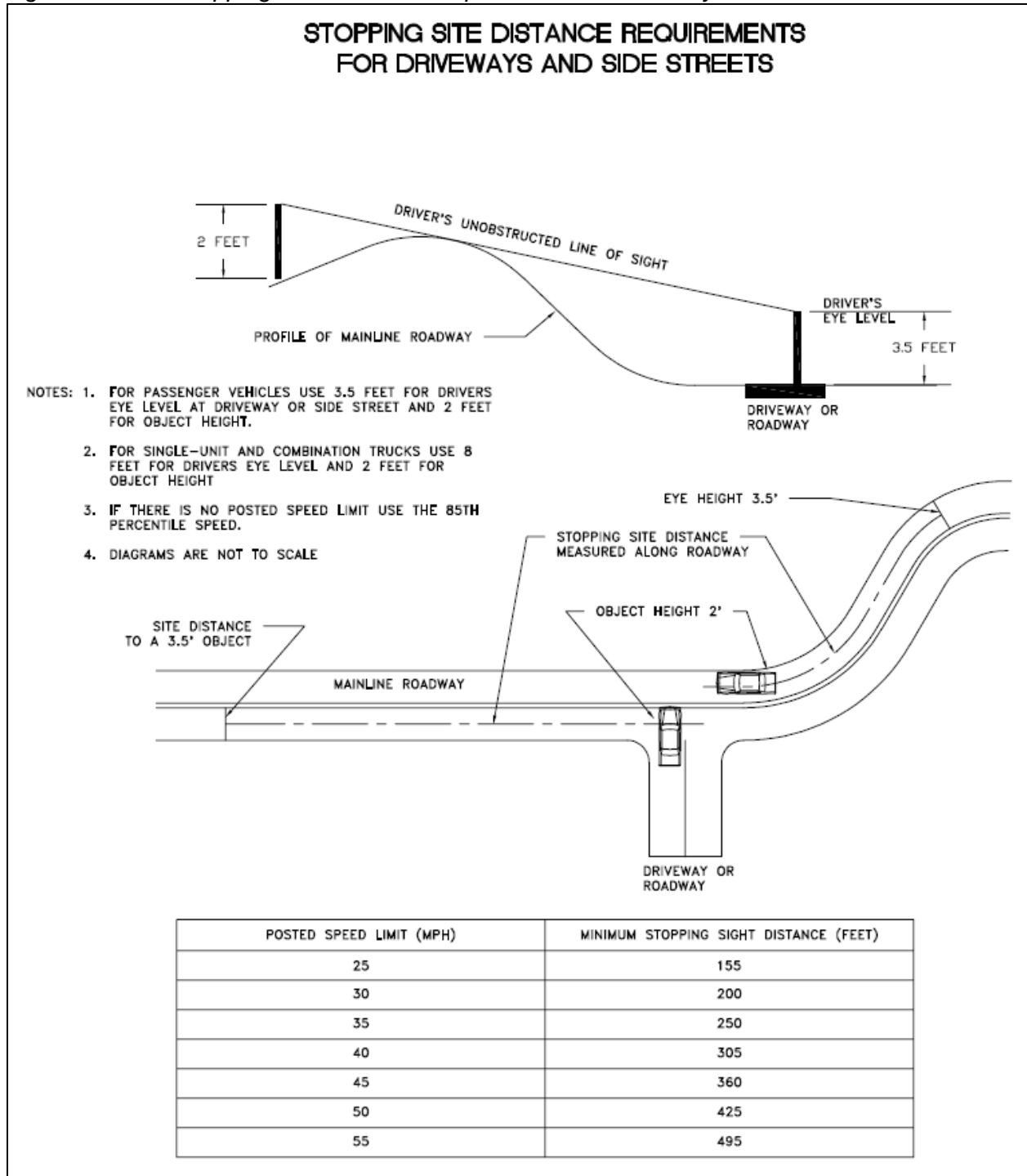
Q. Intersection site distances. Minimum site distances at intersections of drives and/or roadways are shown in Figure 3.2.5-S - Minimum Required Site Distances at Intersections.

Figure 3.2.5-S - Minimum Required Site Distances at Intersections



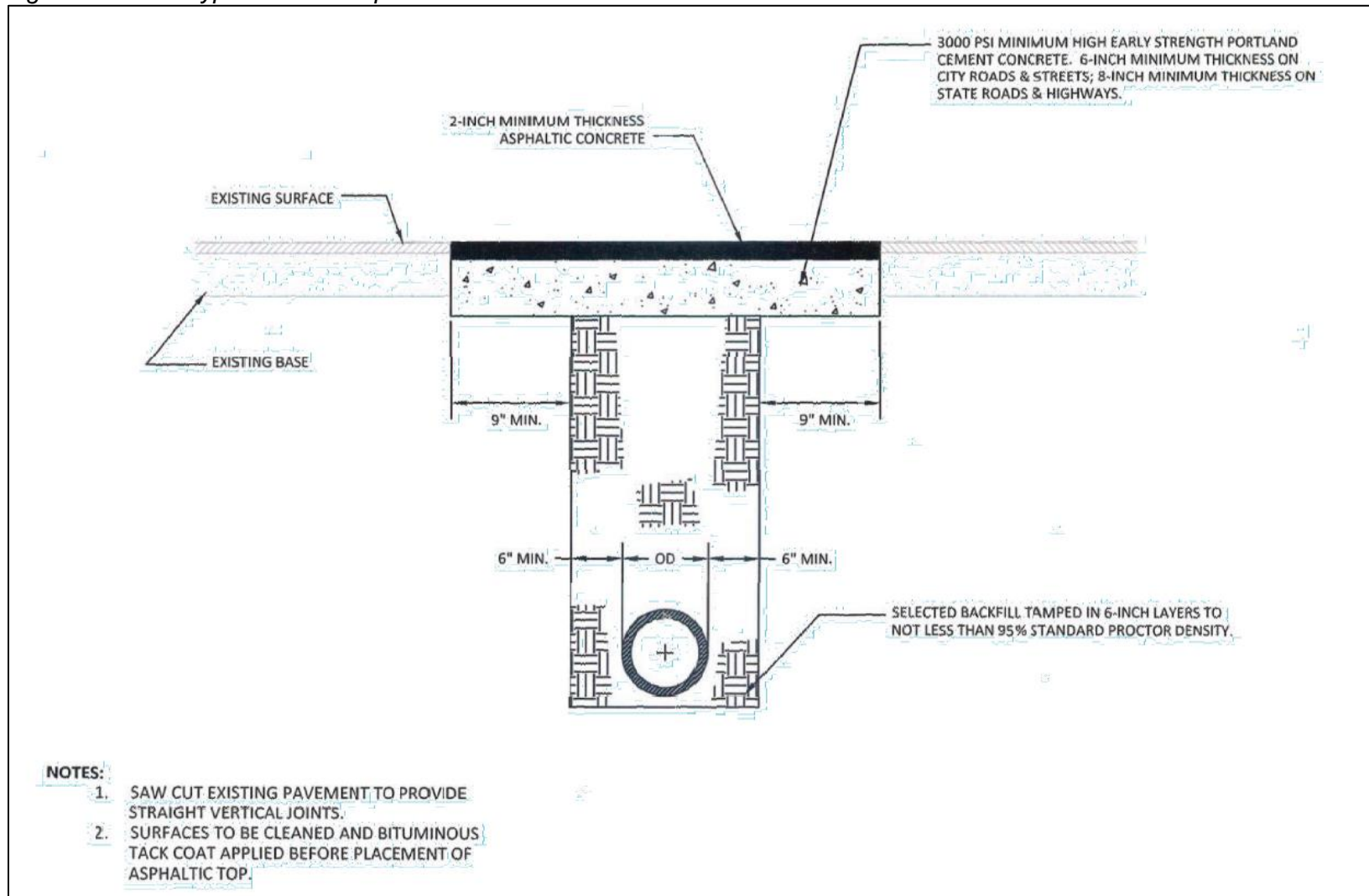
R. Stopping distances. Minimum stopping distance requirements for driveways and side streets are shown in Figure 3.2.5-T - Stopping Site Distance Requirements for Driveways and Side Streets.

Figure 3.2.5-T - Stopping Site Distance Requirements for Driveways and Side Streets



S. **Typical street repair.** Details for typical street repairs are shown in Figure 3.2.5-U - Typical Street Repair.

Figure 3.2.5-U - Typical Street Repair



ARTICLE 3.3 - MINOR SUBDIVISIONS

Section 3.3.1 - Applications and Requirements

- A. Compliance with Georgia Plat Act required.** An accurate plat or survey meeting the requirements of the Georgia Plat Act, prepared by a registered land surveyor (bearing their seal and signature), depicting the tract and/or lots and the proposed division thereof must be submitted to the zoning administrator.
- B. Additional application requirements.** A plat for a minor subdivision application must also include:
 - (1)** Identification of adjoining property owners.
 - (2)** Identification of any adjoining street with its rights-of-way width.
 - (3)** Adjacent zoning of all property abutting the proposed subdivided land.
 - (4)** Statement as to whether the property is within the 100-year flood hazard boundary area.
 - (5)** Identification of any drainage and/or utility easements required by the UDC administrator.

Section 3.3.2 - Review and Approval

- A. Staff review.** The zoning administrator must review the proposed division of property for compliance with the minimum requirements of the Zoning Ordinance. In addition, the zoning administrator may request the UDC administrator to review the site plan for utility concerns and/or drainage issues.
- B. Plat approval.** If all applicable requirements are met, the survey must be certified by the signature of the mayor of the city and the zoning administrator.
- C. Plat disapproval.** If the zoning administrator determines that the requirements are not met by the proposed division of property, the plat or survey may not be certified, and the reasons must be stated in writing.

ARTICLE 3.4 - SUBDIVISION PLATS (NON-MINOR)

Section 3.4.1 - Applications and Plat Requirements

A. General provisions.

- (1) The procedure for review and approval of a subdivision plat consists of three separate steps. These are: Step 1: Review of the sketch plan; Step 2: Review and approval of the preliminary plat; and Step 3: Review and approval of the final plat.
- (2) Review of the sketch plan (step 1) and the preliminary plat (step 2) must be completed before making any street improvement, installing utilities or making any other improvements. Review and approval of the final plat (step 3) must be completed before the completion of all proposed site improvements as approved by all city departments. Approval of the final plat must also take place before the sale of any lots in the proposed subdivision, unless the required improvements are guaranteed as required by this Article.
- (3) When an application for a preliminary plat is submitted, the subdivider must submit plat(s) of the entire tract even though such subdivider's present plans call for the actual development of only a portion of their property.
- (4) If the dimensions of the sites to be developed are such that in order to accurately draw the site, it will require the plats to be drawn in two or more sections, each section must be accompanied by a key map showing the location of the several sections. The key map must be placed on all plat drawings as well as any plans that are drawn and submitted to the city for review also.

B. Sketch plan requirements. All sketch plans submitted must meet the following requirements:

- (1) **Scale.** The sketch plan must be drawn at a scale of not less than 100 feet to one inch.
- (2) **Vicinity map.** The sketch plan must include a vicinity map at a scale of not less than 1,000 feet to one inch showing the relationship of the proposed subdivision to the surrounding development.

(3) General information to be shown on the sketch plan. The sketch plan must show:

- (i) The total acreage in the tract to be subdivided.
- (ii) The tentative streets and lots arrangement.
- (iii) The approximate rights-of-way.
- (iv) The typical lot area, typical setbacks for the proposed lots and the approximate number of lots to be developed.
- (v) The existing uses of land surrounding the subdivision and their zoning classification.
- (vi) The existing and proposed uses of land throughout the subdivision.
- (vii) The proposed name of the subdivision.
- (viii) The name, address and telephone number of the petitioner and architect, surveyor and or engineer.
- (ix) All names and addresses of all property owners of the site.
- (x) All names and addresses of all owners of the land adjacent to the site.
- (xi) Graphic scale and north point.
- (xii) The date of preparation of the plan.
- (xiii) An index map if the complete plat cannot be shown on only one sheet.
- (xiv) The approximate location of any utility or other type easements currently existing on the property.

C. Preliminary plat requirements. The preliminary plat must be drawn in an engineering scale of not less than one inch equals 100 feet. The preliminary plat must meet the minimum standards of design as set forth in these regulations and must include the following information:

(1) General information to be on preliminary plat:

- (i) The full name of the proposed subdivision.

- (ii) The name, address, and telephone number of the owner(s) and architect, surveyor, or engineer.
- (iii) All names and addresses of all deed record owners of the land adjacent to the site.
- (iv) The graphic scale, north point and date. The north direction shown must be identified as magnetic north, true north or grid north.
- (v) A vicinity map at a scale of not less than 1,000 feet equals one inch, showing the relationship of the subdivision to the surrounding area.
- (vi) The total acreage in the tract and the acreage to be subdivided (if only part of the tract owned will be divided).
- (vii) A written description (metes and bounds with all bearing and distances) of the acreage to be subdivided.
- (viii) The proper identification of the boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey must be to such a degree of accuracy that the error of closure is 1:7500 or greater.

(2) Existing conditions to be recorded and drawn on the preliminary plat.

- (i) Topography by contours at vertical intervals of not more than 2 feet or if the property does not have a 2-foot change in elevation, a certificate from an authorized engineer or surveyor shall be required stating that the drainage from the property is adequate and will not adversely affect adjacent property owners as per Article 4.2 - Stormwater Management.
- (ii) Zoning of land to be subdivided and the zoning on all adjoining land.
- (iii) In case of re-subdivision, a copy of the existing plat with the proposed re-subdivision super-imposed thereon, or on a separate map, with the existing and proposed plats clearly marked.
- (iv) The location of natural features such as streams, lakes, swamps and land subject to flood based on a 100-year flood frequency on the property to be subdivided. The exact location (as determined by a field run topographic survey) of the 100-year flood plain.

- (v) The location of existing adjoining property lines and existing buildings on the property to be subdivided.
- (vi) The location and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-way and show location of poles or towers.
- (vii) The size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers must be shown.
- (viii) The acreage of each drainage area affecting the proposed subdivision.
- (ix) All elevations shall refer to Mean Sea Level Datum where public water and/or public sewers are to be installed.
- (x) The location of city limit lines, if applicable.

(3) Proposed conditions to be recorded and drawn on a preliminary plat.

- (i) The layout of streets, roads, alleys, and public crosswalks, with widths, road names, or designations, grades, cross sections, traffic control and road striping and marking.
- (ii) Profile of proposed streets showing natural and finished grades with the percent of grade slope.
- (iii) The detailed layout of all lots, including building setback lines, scaled dimensions on lots, lot and block numbers, utility easements with width and use.
- (iv) Plans of sanitary sewers to be installed and dedicated to the city (excluding service lines to the individual residence) with grade, pipe size, location of manholes, and points of discharge into the existing sewer system owned by the city. If septic tanks are to be used, soil classifications as identified by a soil scientist shall be shown and any other information as required by the Bulloch County Health Department. Sanitary sewer must be used unless specifically authorized by the governing body.
- (v) Plans for storm sewer systems with grade, pipe size and the location(s) of outlet(s). Storm sewers and detention facilities if required, must be sized to

accommodate runoff from a 10-year frequency, 24-hour duration rainfall and meet the requirements of Article 4.2 - Stormwater Management. The proposed locations for all driveway connections onto roads to be dedicated to the city and the locations of all driveway culverts. All proposed driveways must meet the city's standards and specification for driveway and access control. If driveway culverts are not going to be installed until the individual lots are sold, then a note must be put on the final plat stating that all driveway culverts are to be of reinforced concrete pipe material.

- (vi) Plans of all drainage provisions, detention ponds, retaining walls, curbing, planting, anti-erosion devices, or other protective devices to be constructed in connection with, or as a part of the proposed drainage system work, together with a map showing the drainage area of the land tributary to the site and the estimated runoff of the area served by the storm drain system. The plans must conform to all city ordinances for soil erosion and sedimentation control and drainage and flood control ordinances.
- (vii) Construction drawings of water supply system with pipe sizes and location of hydrants and valves and the estimated fire flow protection requirements to be needed for the subdivision.
- (viii) Designation of all land to be reserved or dedicated for public use.
- (ix) Designation of all proposed lots to be used for other than one-household dwellings (if any).
- (x) The proposed contour changes to areas where substantial cut and/or fill is to be done.
- (xi) The location of proposed street lighting and light poles.
- (xii) The location of all other utilities such as telephone lines, power lines, and cable television lines.
- (xiii) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area before the completion of effective erosion and sediment control measures.

- (xiv) The number of lots, total acreage, total length on new streets in miles and the width of all new streets.
- (xv) The location of any buffers or screens that are required.
- (xvi) Plans for roadway design and driveway design. Plans should be complete as to allow the city to determine that the roads and driveways have been designed to meet the requirements and the regulations set forth in this Chapter.
- (xvii) Parking facilities for multi-household developments.
- (xviii) Plans for street striping, signage, and traffic control devices.
- (xix) Location of any easements. Easements shall be clearly identified with the name of the entity responsible for their maintenance.

(4) Review and approval of preliminary plat. The preliminary plat shall be approved by the mayor and city council only after review and approval of the following:

- (i) The UDC administrator and water/sewer department must review the water and sewer plans to be provided on all preliminary plats after being provided with a detailed set of plans. If a septic tank system is to be installed, the city will work with Bulloch County to be sure that all information required by the Bulloch County Health Department is approved and a septic system as proposed is acceptable for this area. All recommendations by city staff and the Bulloch County Health Department will be forwarded to the zoning administrator in writing.
- (ii) The UDC administrator must review the preliminary plat for conformity of the proposed streets with adopted design standards, if any and existing and proposed public street improvements. The street speed design, proposed lighting plan and signage plans will also be reviewed.
- (iii) The UDC administrator must review the preliminary subdivision plat and any detailed plans necessary to make comments and determinations regarding slopes and soil erosion, drainage and water runoff, flood plain areas and other related areas to insure the plan conformance with Article 4.3 -Soil Erosion, Sedimentation and Pollution Control and Article 4.4 -Flood Damage Prevention Ordinance. For developments of more than 1.1 acres in size, the city will also seek approval from the Ogeechee Soil and Water Conservation District for the

Erosion Control Plans for the proposed development. The UDC administrator shall forward in writing to the zoning administrator comments and /or recommendations and approval or disapproval.

D. Final plat requirements. The final plat must contain the following specific information:

- (1) The name of the owner(s) of record.
- (2) The name of the subdivision, date, north arrow, and graphic scale.
- (3) The name, registration number, and seal of registered land surveyor.
- (4) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, length and width of every street and alley line, lot line, easement, boundary line, and building line, whether curved or straight. This includes the radius, point of tangency, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
- (5) Names of owners or record of all adjoining land and all property boundaries, water courses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.
- (6) Exact boundaries and original property lines within the tract of land being subdivided shown with bearings and distances.
- (7) Streets and alleys, right-of-way, percent of grade, and street names.
- (8) Rights-of-way or easements, location, widths, and purposes.
- (9) Lot lines, minimum building setback lines, street trees, and lot and block numbers.
- (10) Parks, school sites, or other public open spaces, if any.
- (11) All dimensions must be to the nearest one-hundredth of a foot and angles to the nearest second.
- (12) Accurate description of the location of all monuments and markers.
- (13) A final plat shall be a good legible print, blue, white or other commercial print with a sheet size of not more than 24 by 36 inches, leaving a 2-inch binding edge. The final recording plat shall be a good legible print, blue, white or other commercial print with

a sheet size not more than 17 inches by 22 inches, as required by the Bulloch County Clerk of Superior Court.

(14) Utility easements by widths and locations to include.

- (i) Water
- (ii) Gas
- (iii) Sanitary sewer
- (iv) Storm drainage
- (v) Electrical lines
- (vi) Telephone lines
- (vii) Cable television lines

E. Permanent reference points. Before approval of the final plat, all of the subdivision's permanent reference points must have been placed in accordance with the following requirements:

(1) Subdivision corner tie. At least one corner of the subdivision must be designated by the course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U. S. Coast and Geodetic Station, U. S. Geological Survey, or Georgia Grid System coordinated monument, then this corner must be marked with a monument so designated by computed X and Y coordinates which must appear on the map with a statement identifying this station or monument to an accuracy of 1:10,000. When such a monument or station is not available, the tie must be made to some permanent and readily recognizable landmark or identifiable point, physical object or structure. In subdivisions of more than ten lots, the information for this corner tie must include elevation above sea level making it in effect a benchmark which can be used to determine if individual lots are in a flood prone area.

(2) Monuments. All survey monuments must conform to the following:

- (i) Monuments must be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and at the intersection of the lines

of streets with boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points in the lines of streets and alleys; and at all angles of an intermediate traverse line.

- (ii) It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 - (iii) All required monuments must be placed flush with the ground where practical.
 - (iv) If the required location of a monument is in an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
 - (v) All monuments used shall be made of a minimum of solid iron or steel bars at least one-half-inch in diameter and 24 inches long.
 - (vi) If a point required to be "monumented" is on a bedrock outcropping, a steel rod, at least one-half-inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- (3) Control corners.** Within each block of a subdivision at least two monuments designed and designated as control corners must be installed. All control corners shall be constructed of concrete and shall be at least 4 inches in diameter or square and not less than 3 feet in length. Each monument must have imbedded in its top or attached by a suitable means, a metal plate of non-corrosive materials and marked plainly with the print, the surveyor's registration number, the month and year it was installed and the words "control corner".
- (4) Property markers.** A steel or wrought iron pipe or the equivalent not less than 1½ in diameter and at least 24 inches in length must set all corners, except those located by monuments.
- (5) Accuracy.** Land surveys, both within the limits of incorporated areas and beyond must be at an accuracy of at least 1:7,500.

F. Step 1: Sketch Plan Review. Before filing a preliminary plan, the subdivider may submit to the zoning administrator a simple sketch plan of the proposed subdivision. The sketch plan must include a sketch map which shows the subdivision in relation to the surrounding area. The purpose of the sketch plan is to assist the subdivider before extensive site planning and enable them to become familiar with the regulations affecting the land to be subdivided. The zoning administrator must review and approve or approve with modifications the sketch plan within 21 days from the date it was received by the city. Pertinent comments and recommendations must be noted on the returned sketch plan.

G. Step 2: Preliminary Plat Review and Approval.

- (1)** Preliminary plat is the plat that developer will use for the construction plans. Application for preliminary approval of a subdivision plan must be submitted to the zoning administrator, who will coordinate the plan review with the other city departments. The subdivision plat must be submitted in four copies and must be such as to meet the minimum requirements contained in Section 3.4.1 -C. Additional copies of the plan and supplemental information may be requested. Each person or agency responsible for reviewing a copy of the preliminary plat must indicate any desired changes or comments on the plan received and return their plan copy to the zoning administrator. The zoning administrator must compile all comments by the other review officials and return the "redlined" preliminary plat to the subdivider along with all comments that must be addressed in order for the preliminary plat to be approved. The review process of the preliminary plat must take at the most 21 days. If the preliminary plat needs no further revisions, the zoning administrator shall submit 15 revised copies of the preliminary plat for approval by the planning commission and by the mayor and city council. Upon approval by the mayor and city council, the mayor must sign the certificate of preliminary plat, which entitles the developer to start construction. Approval of a preliminary subdivision plat shall not constitute approval of the final or as-built subdivision plat. Approval of the preliminary plat shall constitute approval of the proposed width and alignments of streets and the dimensions and shapes of lots subject to the final approval of the zoning administrator and UDC administrator. Approval of any building and site construction plans shall be granted by the UDC administrator upon the submission

of detailed construction drawings and specifications that meet the city ordinances for streets, drainage, utility design, or any other applicable ordinances.

- (2) Upon approval of the preliminary subdivision plat, the subdivider may start the construction of the site for the proposed subdivision. The developer must complete all site work before any construction of buildings or houses. This means that all roads, drainage, and utilities must be completed and approved by the city before houses and buildings can be built. The developer must arrange periodic inspections of the project by the appropriate city departments during the course of construction. Failure of a subdivider to initiate any development within 12 months from the approval of the preliminary plat will require a re-submittal of the preliminary plat to the zoning administrator for approval.

H. Step 3: Final Plat Review and Approval. The final plat may be approved by the zoning administrator in two ways, as described below. The developer has a choice to apply for approval of the final plat either when all required improvements are completed, or if they provide an assurance of completion and maintenance of improvements to the city.

- (1) **Option #1: Required improvements are completed.** When all required improvements are completed, the final plat must conform substantially to the approved preliminary plat and if there was substantial deviation from the preliminary plat, the subdivider must prove these deviations. If desired by the developer, the final plat may constitute only that portion or phasing of the preliminary plat they are proposing to record and develop at one time. After approval of the preliminary plat and the completion of all required improvements to city standards, the developer must file with the zoning administrator an application for final approval. The application shall include the following:

- (i) A complete list of deviations, if any, from the approved preliminary plat.
- (ii) A certified copy of all covenants and restrictions, if any, pertaining to platted subdivision.
- (iii) A surety bond or maintenance bond for 20% of total improvement costs for those facilities to be dedicated and then maintained by the city. This bond insures the maintenance of required public facilities and improvements for one year after completion and approval of said facilities.

- (iv) A minimum of four prints of the final as-built plat, including any easements and reserved strips, and a copy of an electronic drawing file compatible with AutoCAD, as per the UDC administrator.
- (v) All as-built plans showing the locations of utility lines and service taps.

The zoning administrator and UDC administrator must review and approve a final plat. The mayor and zoning administrator must sign the certificate of final plat approval. The subdivider then submits the final plat for recording to the Bulloch County Clerk of Court. All Final plats provided to the city must be of a size acceptable by the Bulloch County Clerk of Court for recording. For large subdivisions, the final plat may be submitted for approval progressively in different phases satisfactory to the zoning administrator. Approval of the final plat shall not be deemed to constitute or affect an acceptance by the public or the dedication of any street or other ground shown upon the plat. Until the city officially accepts the dedication of any streets, parks, or any grounds, it is the developer's responsibility to maintain such facilities. Applicants attempting to dedicate a street or any other facility shall follow the procedure listed Section 3.2.3 -Z.

- (2) Option #2: Assurance for completion of improvements.** The developer can apply for approval of the final plat if required improvements are partially completed and if they provide the city with assurance for completion of the remaining required improvements. Under this option, the developer must complete the grading of all roads; however they can bond the base and paving of these roads. When this method is chosen, the developer shall consider the provisions in Section 3.4.1 -H(3), below.
- (3) Improvement and guarantee:** Before the planning commission and the mayor and city council approve the final plat, all applicants must complete or provide improvement guarantees (in the form of a performance bond or irrevocable letter of credit, as provided in Section 3.4.1 -N for all remaining construction of roads, utilities, drainage system and other improvements as required.
 - (i) **Improvement guarantees:** The subdivider may provide improvement guarantees and deed and easement documents at the time of application for final subdivision approval. The UDC administrator shall approve the amount of the

improvement bond which shall be sufficient to secure to the city the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The improvement cost estimate shall be provided by the developer and shall be prepared by a professional engineer. Assurance guarantees shall be structured to permit periodic demands for payment from the issuer in whole or in part for the entire amount of the credit. The improvement guarantee shall not be less than 100% of the total cost of required improvements and can be renewed for a period not to exceed one year.

- (ii) **Failure to complete improvements:** When an improvement guarantee has been posted and required improvements have not been installed, the city shall call the improvement guarantees due and collect all funds.
 - (iii) **Release or reduction of improvement guarantees:** The City of Statesboro will not accept dedication of required improvements, nor release or reduce improvement guarantees, until all required improvements have been satisfactorily completed.
 - (iv) **Maintenance of public improvements:** The subdivider shall maintain all required improvements until acceptance of such improvements by the city. Before dedication of improvements, the applicant must file a maintenance bond with the city in an amount considered adequate by the UDC administrator. The maintenance bond shall assure the satisfactory condition of streets and other facilities for one year after the date of their approval by the city. The amount of the maintenance bond shall be set at 20% of the total costs of required improvements of said facilities. The bond amount will be refunded after one year.
- (4) **Posting of improvement guarantees.** Once the improvement guarantees have been posted, the developer must apply for the approval of the final plat and follow the same criteria cited in Section 3.4.1 -H(3), above. However, the owner or agent of a subdivision may not transfer title to any lot within the subdivision without the approval and recording of the final plat.
- (5) **Sketch plans and preliminary plats not required.** Subdivisions which do not involve the platting, construction or opening of new streets, water, or sewer facilities, or improvement of existing streets shall be accepted by the zoning administrator in

the form of a final plat. Such plat shall comply in all respects to these regulations. Sketch plans and preliminary plats are not required in such cases.

- I. Certificate of final plat approval.** At such time as the final plat may be approved by the city, a certificate of approval shall be inscribed on the plat to indicate such approval. Upon approval by the city, or after the required 45 days in which the council has failed to act on a request for approval, the council shall cause to be inscribed on the plat the following statement accompanied with signatures by the mayor and the zoning administrator: “Pursuant to the Subdivision Regulations of the City of Statesboro, Georgia, all the requirements for approval having been fulfilled, this final plat was given approval by the City of Statesboro on (date of approval).”
- J. Recording of plat.** The approved and certified final plat must be filed for the record by the zoning administrator in the office of the Clerk of Court of Bulloch County within five days from the date of signing of the plat. The clerk of court shall not file or record a plat of a subdivision until such plat has been approved by and duly signed by the mayor and zoning administrator. Under Georgia stature, the filing or recording of an unapproved subdivision as defined by Georgia stature, is a misdemeanor and punishable as approved by law.
- K. Street, easement acceptance.** The approval of a plat by the mayor and city council and its subsequent recording shall not be deemed to constitute an acceptance by the city of any road, easement or other ground shown on the plat. Separate right-of-way and easement dedication forms must be submitted by the developer to the office of the UDC administrator for the mayor and city council to approve by written resolution.
- L. Revisions.** No change, eraser or revision shall be made on any preliminary or final plat, nor on accompanying data sheet after approval of the city has been endorsed in writing on the plat, unless authorization for such changes has been granted in writing by the mayor and city council. If the subdivision plat is revised after having been initially recorded, the revised plat will be clearly marked as such and recorded with the Clerk of Court of Bulloch County. At that time, a notation shall be made on the original plat, stating that it was revised on certain date and the revised plat can be found in Plat Book_____ Page_____. Any revised plat must contain the certificate of final plat approval executed by the mayor and zoning administrator.

- M. Variances.** Any preliminary plat that will require a variance from Chapter 2 - Zoning of this UDC in order to be approved must be taken before the planning commission and the mayor and city council for variance approval by the zoning administrator. Upon receiving a preliminary plat, the zoning administrator must have the preliminary plat reviewed by the appropriate city staff for approval for all items; and, the review will include any comments regarding the item that will require a variance from Chapter 2 - Zoning of this UDC order to be approved. city staff will return all comments to the zoning administrator. Any comments significant in nature will be returned to the subdivider to address before the zoning administrator placing the plans in the variance process. Once all comments from the appropriate city staff are addressed, the subdivider submits a variance request for those items that differ from the requirements of Chapter 2 - Zoning of this UDC. The zoning administrator will place the plans in the variance process following the guidelines stated in Section 2.7.4 - Variances and Appeals of this UDC. The planning commission will then review the subdivision plat with the applicable staff comments and recommend to the mayor and city council whether to approve or deny the variance request and the mayor and city council will consider the variance request at a formal public hearing to be scheduled by the zoning administrator. The zoning administrator will note the date on which any variances were granted for the preliminary plat and the date written notification was sent to the subdivider or authorized agent. The variance process usually takes between four to six weeks to complete once a subdivision plan is placed in the variance process. The zoning administrator shall return the approved or denied preliminary plat to the submitting developer within three working days after final decision is taken by the mayor and city council on the variance request.
- N. Assurances.** The city will accept performance bonds or irrevocable letters of credit to insure the completion of all remaining required improvements.
- (1) Performance bonds.** Performance bonds must be issued by a bonding company acceptable to the city as to credit quality. For bonding companies to be acceptable, they must be a treasury listed surety company.
 - (2) Irrevocable letters of credit.** The following are guidelines for minimum guarantees which can be accepted by the city.
 - (i) The applicant shall be the developer.

- (ii) The beneficiary shall be the city, Georgia.
- (iii) The city must be able to draw on the letter of credit when a signed statement from the city is shown to the lending institution. Such statement must certify that the developer is in default of the accompanying agreement. The statement must also show the amount of money due as a result of such default.
- (iv) Banks issuing said letter must meet the city's requirement for credit quality at the time of issuance.
- (v) Credit must be automatically extended for an additional period of one year from the present and each future expiration date unless the city is notified not less than 45 days in advance of the expiration date. The notice must be sent certified mail to the City Manager, 50 East Main Street, Statesboro, Georgia 30458.
- (vi) The city must be able to draw the outstanding balance of money upon presentation of a signed statement by the city as a cash bond to secure continued adherence to the terms of the agreement.
- (vii) This clause would be utilized in the event the lending institution chooses not to extend the expiration date and improvements are not complete.
- (viii) The lending institution will receive the original letter of credit marked "CANCELED" upon tender of payment or upon completion of improvements to the satisfaction of the city.
- (ix) The lending institution must agree to be responsible for the city's court costs and attorney fees in the event the city initiates a suit under the letter of credit.
- (x) The letter of creditor must state that the letter of credit is specifically governed by the Uniform Commercial Code (or similar code) in force in the State of Georgia.
- (xi) It is agreed that upon completion of water system, sewer system, roads drainage structures and related facilities by the developer and after the provision of "as-built" drawings, the city will, subject to approval of the UDC administrator, accept title and assume responsibility for maintenance and operation of those portions located within the public easements or right-of-way. The developer does warrant those facilities installed on the public easements or rights-of-way for a period of

one year. During a said period of such warranty, any repairs to said system by the city will be made at the expense of the developer.

Section 3.4.2 - Construction Schedule

- A. Prior approval.** No construction or land-disturbing activity of any kind, including grading, installation of improvements, or building shall begin on any land subject to these regulations without prior approval and implementation of the preliminary plat and a soil erosion and sedimentation control plan where required by state or federal laws or regulations. A land disturbance activity permit must be issued by the city before any improvements is made.
- B. Grading and land-disturbing activity.** Grading and land-disturbing operations may start once approval of the preliminary plat has been obtained and approval is given on the soil erosion and sedimentation control plan (if applicable) and a land disturbance activity permit has been issued. Soil erosion and sedimentation control measures prescribed in the soil erosion and sedimentation control plan must be installed before starting any land-disturbing or grading activity.
- C. Utilities.** Utility installation shall not occur until the UDC administrator has approved the rough grade of the street and shoulder preparation. Utility design and installation shall conform to the profile sheet, notes, and construction schedule for either Figure 3.2.5-M – Typical Water Main/Water Service Lateral Installation (Subdivisions), Figure 3.2.5-N - Utility Placement in Streets with Curb and Gutter, or Figure 3.2.5-O - Utility Placement in Streets with Shoulders, depending upon whether the street will have curb and gutter, or have open ditches.
- D. Inspections.** Periodic inspection during the installation of the required improvements in a subdivision shall be made by the zoning administrator, UDC administrator, and city water/sewer department to insure conformity with the approved plans and specifications. The subdivider shall notify the city when each phase of the installation is completed and ready for inspection.
- E. Sale and transfer.** No lot or parcel of land shall be sold or transferred or a building permit issued until the final plat, of which said lot or parcel is a part, shall have been approved and recorded as provided for in these regulations. (See Section 3.4.1 - Applications and Plat Requirements.)

- F. Construction standards.** A building or structure shall be considered substandard if or when it does not meet the requirements of the Standard Building Code of Georgia, or any other code or ordinance adopted by the city.
- G. Building permits.** The chief **building official** shall not issue any permit for the construction of any building or structure to be located in any subdivision or planned development, a plat whereof is required to be recorded pursuant to the provisions of these regulations, until such plat shall have been approved and recorded as provided for in these regulations.
- H. Occupancy.** Within each phase of development no building may be occupied for dwelling or other purposes nor shall an occupancy permit be issued for any building until all roads and required utility installations, including water supply, sanitary sewer systems, gas, drainage systems and road construction have been completed to the satisfaction of the city.

Chapter 4. Environment

ARTICLE 4.1 - URBAN FOREST BEAUTIFICATION AND CONSERVATION

Section 4.1.1 - General

- A. Title.** This Article shall be known as the "Urban Forest Beautification and Conservation Ordinance of the City of Statesboro, Georgia."
- B. Purpose.** The purpose of this Article is to:
 - (1) Protect the aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
 - (2) Protect and enhance the aesthetic quality provided by street and park trees.
 - (3) Prevent soil erosion.
 - (4) Prevent reductions in the drainage holding capacity of land.
 - (5) Prevent increases and promote reductions in air pollution and carbon dioxide levels in the air.

- (6) Consistent with the expressed purpose of this Article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined herein. It is also the intent of this Article that all applicable sites within the city maintain or obtain a 35% minimum tree canopy, as defined and explained herein.

C. Minimum canopy requirements.

- (1) **Applicable sites.** All applicable sites shall maintain a minimum tree canopy of 35%. Applicable sites except those exempted under Section 4.1.1 -F include but are not limited to:

- (i) Parks and public grounds;
- (ii) Any activity requiring issuance of a land disturbance permit is carried out;
- (iii) Commercial development;
- (iv) Cottage courts, townhouses, and multi-household dwellings; and
- (v) Mixed-use development.

The canopy requirement must be met whether or not a site had trees before development or disturbance of the applicable site. The canopy may be achieved by preserving existing trees, by planting new trees according to the minimum standards in this Article or by a combination of the two. Minimum tree canopy is calculated and established using the formula and analysis in Section 4.1.7 - Appendix 1. Any existing tree (acceptable species) of 4 inches or greater DBH left in good growing condition on the property is eligible to be counted toward the minimum required canopy. If a preserved tree is counted towards the required tree canopy it must be properly protected from trunk and limb abrasion or root damage. The property owner shall be subject to the minimum tree canopy requirement set forth in this Section. The property owner shall base the canopy calculation on the gross site area.

- (2) **One- or two-household sites.** One- or two-household sites, including developments and subdivisions, with 30 or more dwellings units must meet the following standards:

- (i) Required amenity space shall maintain a minimum tree canopy of 35%; and

- (ii) Each lot shall maintain a minimum of one medium or large tree.

These requirements must be met whether or not a site had trees before development or disturbance of the applicable site. The requirements may be achieved by preserving existing trees, by planting new trees according to the minimum standards in this article, or by a combination of the two. Minimum tree canopy is calculated and established using the formula and analysis in Section 4.1.7 - Appendix 1. Any existing tree (acceptable species) of 4 inches or greater DBH left in good growing condition on the property is eligible to be counted toward the minimum required canopy. If a preserved tree is counted towards the requirements, it must be properly protected from trunk and limb abrasion or root damage. The property owner shall be subject to the minimum requirement set forth in this section. The property owner shall base the canopy calculation on the combined area of all amenity spaces.

- (3) Trees replanted to achieve canopy requirements must be selected species from the City of Statesboro, Tree Species Selection List in Section 4.1.12 - Appendix 6 (which will list values of canopy coverage in square feet for various groups of trees and minimum area for planting), on file with the city. In addition, replanting shall be at the ratio of not less than one large tree per three medium and/or small trees. Canopy credit may be met by planting all large and/or medium trees, but not by planting only small trees. Conflicts will be addressed on a case by case basis during plan reviews.
- (4) Trees replaced or conserved to achieve the one- and two-household lot requirements must be selected species from the City of Statesboro Tree Species Selection List in Section 4.1.12 - Appendix 6: Tree Species Listing. Conflicts with utilities will be addressed on a case-by-case basis during plan reviews.
- (5) Trees replanted or conserved to achieve tree canopy or one- and two-household lot requirements shall be conserved on the site in perpetuity unless such trees become untreatably diseased, infested, or have a moderate or higher risk rating and such risk cannot otherwise be mitigated as determined by a Certified Arborist using the I.S.A. Tree Risk Assessment. Required tree canopy cover that is lost over time shall be replaced during the first planting season (November 15—March 1) after the loss occurs.

- (6) Trees replanted to achieve canopy one- and two-household lot requirements must be maintained properly to ensure their survivability as described in Section 4.1.2 - C(3).

D. Canopy recovery plan.

- (1) Development plans shall include a canopy recovery plan for replacement of trees and vegetation approved for removal. A canopy recovery plan shall include:
 - (i) Areas to be cleared and areas preserved;
 - (ii) The number of trees required for replacement, to achieve 35% canopy coverage.
- (2) In order to promote diversity, no more than 33% of the replacement trees shall be of the same genus;
- (3) Where the city representative determines that a site cannot sustainably support the required replacement, due to the size and shape and/or structures and/or other viable site constraints, a fee shall be paid to the City of Statesboro Tree Bank. This fee shall be the actual and verified cost of the required tree replacement. Currently Tree Board has input into the cost and fee and shall be submitted before the issuance of a certificate of occupancy; and
- (4) If a property owner has preserved extensive large trees and clusters of native trees and vegetation, in such a manner as to provide extensive shading within the built environment, value shall be 100% of the drip line area of groupings, excluding wetlands. An exhibit depicting the aforementioned shall be submitted that calculates the canopy spread based on DBH and species of a tree.

E. Alternative compliance to canopy density requirement.

- (1) One of the intentions of this Article is to ensure that a minimum tree canopy density or number of trees per lot are maintained. If this intent cannot be met because a site will not bear the required trees (determined by the city's representative and confirmed by the city's tree board), contributing to the City of Statesboro Tree Bank may be an acceptable method of compliance.
- (2) The following standards have been established for administering these alternative compliance methods. The city representative must review and approve all requests

for alternative compliance. In no instance shall more than 60% of the required site canopy or required one- and two-household lot plantings, as applicable, be met through alternative compliance. The site in question must be planted with as many trees as can reasonably be expected to survive.

- (3) No development approval (as defined by this ordinance), land disturbance permit, or building permit shall be issued until the city representative has approved the request and received the necessary documentation and/or funds for the alternative compliance method.
- (4) As a method of alternative compliance, the city will accept donations to the City of Statesboro Tree Bank. These donations will be used for the sole purpose of planting trees on public property within the city. For calculating contributions to the City of Statesboro Tree Bank, see Section 4.1.8 -Appendix 2.
- (5) The City of Statesboro Tree Bank will be administered by the designated city representative. An annual report shall be submitted to the city manager showing amounts collected, amounts spent, and the type and location of trees planted.

F. Exemptions. The following activities and properties are exempt from the regulations in this Article and no tree removal permit is required in the following instances:

- (1) The removal of dead, diseased, or damaged trees, as determined by a certified arborist or designated city representative.
- (2) The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers as approved by the city.
- (3) The removal of trees for construction of public streets and improvements as approved by the city.
- (4) The removal of trees in time of emergency, but not limited to: tornadoes, windstorms, floods, freezes, or other natural disasters or which pose potential danger to life or property.
- (5) Utilities in connection with overhead service, distribution, transmission lines, underground service, and distribution lines are exempt from the requirements of this Section with the following exceptions:

- (i) Pruning or trimming a tree inconsistent with current ANSI 300A-2001, as amended, is prohibited.
 - (ii) Removal of trees 12 inches DBH and larger within corridors and/or easements shall require notification, before removal, by telephone to UDC administrator and notification to the property owner and/or occupant at least three business days before removal.
 - (iii) The removal of exceptional trees or heritage trees.
 - (iv) Utility lines, which are tunneled beneath tree roots in order to protect feeder roots, are permitted. Elsewhere trenching is allowed no closer to a tree's trunk than of the dripline radius. However, protective measures shall be taken as specified in the Best Management Practices Manual which protective measures for feeder roots are incorporated herein by reference.
- (6) Construction (including clearing of the lot) of a detached one-household dwelling or two-household dwelling (duplex) structures where such structure is the principal use on an individual lot, except that exceptional trees on such lots will not be exempt.
- (7) Any land recognized by the city upon which bona fide agricultural or commercial nursery or tree farm uses are being conducted.
- (8) Any development smaller than one acre in the CBD zoning district.

G. Definitions. For the purpose of this Article, certain terms used herein shall be defined as follows. The general interpretative rules of the UDC shall also be used.

Acceptable species. A species determined by the tree board to be of acceptable quality and with acceptable characteristics when planted on the appropriate site as a street, park, or lawn tree in the city. The board shall develop and maintain a list of acceptable species, and such list shall be approved by the mayor and city council and kept on file and available to the public in the office of the UDC administrator.

American National Standards Institute A300 (ANSI A300). The industry consensus standards for pruning trees, which is incorporated herein by reference.

Best Management Practices Manual. The documentation of the standards and specifications based on generally accepted practices developed by the City of

Statesboro Tree Board for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this Article 4.1 -Urban Forest Beautification and Conservation, including but not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal as approved by mayor and city council, and available through the UDC administrator.

Building. Any structure having a roof supported by columns or walls that encloses a space and is intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, or as may be further defined in the building code of the city.

Caliper. The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of 4 inches or less.

Canopy. The area consisting of a tree's branches in all directions from its trunk, the outer edge which is the dripline.

Canopy coverage. Aerial extent of the ground within the dripline of the tree.

Clear-cutting. The indiscriminate removal of protected trees from a site or tract with a DBH of 4 inches or greater.

Critical root zone (CRZ). All the area within a radius equal to one and one-half feet for every one inch diameter of the tree trunk (as measured at breast height). Example: The CRZ radius of a 20-inch diameter tree is 30 feet Appendix 3. The radius is measured outward from the root flare at ground level. NOTE: This is not the same as dripline.

Dead or beyond recovery. When more than 50% of the tree is dead, is a hazardous tree as defined herein, or in a state of irrecoverable decline.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Diameter at breast height (DBH). The diameter or width of the main stem of a tree in inches as measured four and one-half feet above the natural grade at the base of a tree. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the diameter at breast height shall be measured at the nearest point above or below four and one-half feet at which a normal diameter occurs.

Directional pruning or target pruning. The practice that involves removing only those limbs that will come in contact with energized conductors. This reduces the number of times the tree must be pruned and directs growth away from the power lines, thus allowing the tree to achieve its natural height and shape.

Dripline radius. A radius equal to the horizontal distance from the trunk of the tree to the end of the longest branch.

Exceptional tree. Any tree determined by the tree board and recommended to and approved by the mayor and city council as provided for in this Article, to be of notable historic interest, of high aesthetic value, or of unique character because of species, type, age or size (80% of state champion size).

Greenspace. Any area retained as permeable unpaved ground and dedicated to supporting vegetation.

Greenspace plan. A map and supporting documentation which describes, for a particular site, where vegetation (greenspace) is to be preserved or planted in compliance with this Article. The greenspace plan includes the tree establishment plan, the tree protection plan and an irrigation plan, if provided.

Heritage trees. Large, native trees with special characteristics such as historical significance.

Irrigation plan. A map and supporting documentation which describes, for a particular site, the locations of permanent water sources and/or irrigation lines.

Large tree, large canopy tree. A tree that is expected to attain a height of 50 feet or greater at maturity under ideal growing conditions.

Master street tree plan. A plan outlining the urban tree management policies and plans for public trees in the areas of tree selection and planting, tree removal, tree pruning,

tree maintenance, and tree protection, administered by the city's streets and parks divisions.

Medium tree, medium canopy tree. A tree that is expected to attain a height of greater than 25 feet and less than 50 feet at maturity under ideal growing conditions.

Minimum canopy requirement. The minimum percentage (35%) of tree canopy required to be preserved or planted on any tract of land being developed.

Out parcel. A parcel of land within the total acreage acquired. Such parcel is set aside and undisturbed, yet has potential for future development. Left as such, it is not counted as part of current development.

Planted tree. A tree that is to be planted on a site during or after development and that will be protected after planting.

Preserved tree. An existing tree on a site that is to be preserved and protected during construction.

Preferred species. A species determined by the tree board to be of excellent quality and with highly desirable characteristics, as approved by the mayor and city council. The tree board shall develop and maintain a list of preferred species, and such list shall be approved by the mayor and city council and kept on file and available to the public in the office of the UDC administrator. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this Article.

Protective fencing. A physical and visual barrier installed around the critical root zone of a tree to prevent land disturbance activities. The restriction of land disturbance within the fence line prevents damage to the tree and its root system. At a minimum this would include three- to four-foot tall orange safety fencing.

Recommended species. A species determined by the tree board to be of very good quality and with desirable characteristics. The tree board shall develop and maintain a list of recommended species, and such list shall be approved by the mayor and city council and kept on file and available to the public in the office of the UDC administrator. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this Article Appendix 6.

Required buffer. Any of the following three alternative types of buffers:

- (1) Natural buffer strip: A strip at least 50 feet wide, having an existing natural growth equivalent to a densely planted evergreen screen.
- (2) Landscape buffer strip: A strip at least 10 feet wide, densely planted with shrubs and/or trees at least 3 feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least 6 feet within three years.
- (3) Landscape buffer wall: A buffer-strip at least 10 feet wide, containing an opaque wall or barrier or uniformly painted fence at least 6 feet in height. Buffer strip shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip.

Sight triangle. An area on either side of street intersections, street corners or vehicular access points which allows for sufficient sight distance to allow drivers approaching simultaneously to see each other in time to prevent a traffic accident. The size of the sight triangle is governed by space, time and traffic volume of the subject intersection. All sight distance requirements will be established by the UDC administrator.

Small tree, small canopy tree. A tree that is expected to attain a height of 25 feet or less at maturity under ideal growing conditions.

Spread. the crown diameter measured by taking the average of the widest branch spread and the branch spread perpendicular to it.

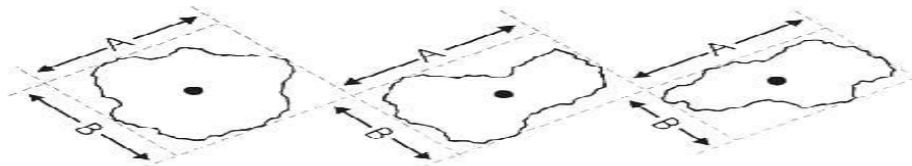


Fig. 1 Add A and B together and divide by 2 to get the Spread.

Tree board. A legally constituted body of nine individuals, appointed by the mayor, and adopted by the mayor and city council, whose responsibility is to advise the mayor, mayor and city council, and city manager in all tree-related matters.

Tree density. The spread of tree canopy on a square footage area of greenspace.

Tree establishment plan. a map and supporting documentation which describes, for a particular site, the species and locations of trees to be planted in compliance with the requirements of this Article.

Tree establishment zone. the area essential to a tree's health and survival, including both above ground and below ground space, surrounding a planted tree which is protected within the guidelines of this Article.

Tree manager or streets and parks superintendent. A person with special knowledge of the cultural requirements, identification and characteristics of trees.

Tree plan designer for the purposes of this Article. An architect, engineer, surveyor or landscape architect who prepares a planting plan for a development project.

Tree protection plan means a map and supporting documentation which describes, for a particular site, where existing trees are to be preserved in compliance with the requirements of this Article and the species of trees.

Tree protection zone (TPZ). The area essential to a tree's health and survival, including both above ground and below ground space, surrounding a preserved or planted tree which is protected within the guidelines of this Article (further defined in the Best Management Practices Manual).

Tree quality rating. For a planted tree, a square footage area that is assigned to each category of mature tree size and tree quality (unacceptable, acceptable, recommended, and preferred).

Tree species list. A list of tree species prepared by the city arborist/tree manager, University of Georgia Extension Service, and Georgia Forestry Commission in which tree species are categorized by size and recommendation. The list is made a part of this Article by reference and incorporated herein. The list may be revised by the tree board and the engineering department upon submission to and approval by the mayor and city council. The list is a part of the Best Management Protection Manual attached hereto by reference.

UDC administrator. The city official authorized by the city manager to administer the portions of this UDC that do not constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq , or their designee.

Unacceptable species. A species determined by the Tree Board to be of poor quality and with undesirable characteristics. The Tree Board shall develop and maintain a list of unacceptable species, and such list shall be approved by the mayor and city council and kept on file and available to the public in the office of the UDC administrator and in Section 4.1.13 -Appendix 7. Canopy area requirement credit is not received for unacceptable species.

Underbrushing. The removal of woody brush and other vegetation at the groundline, as in mowing.

Vegetative practices means measures to stabilize erodible or sediment-producing areas by covering the soil with plantings such as:

- (1) Permanent seeding, sprigging or planting producing a long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover; or
- (3) Sodding areas with a turf of perennial sod-forming grass.

H. Permit required for clearing. Except as provided in this Article, no person, partnership, corporation, or business entity shall clear land (as defined in Section 4.1.4 -A) or permit the clearing of land without first obtaining a land disturbance activities permit as provided for in Section 4.1.3 - Administration.

I. Best Management Practices Manual.

- (1) The Best Management Practices Manual, which provides detailed information and standards in reference to the provisions of this Article, hereby adopted by reference and made a part of this Article as adopted by mayor and city council.
- (2) All land clearing and required greenspace shall be provided in a manner consistent with the provisions contained in this Article and the Best Management Practices Manual.

J. Other jurisdictions. Tree maintenance within right-of-way. It shall be the duty of all owners of property encumbered or crossed by city rights-of-way, to keep tree limbs from

their property from protruding into the city rights-of-way so that motor vehicle and pedestrian traffic are not obstructed at intersections, points of ingress and egress, and/or sidewalks on the public rights-of-way. Where proper trimming is not maintained, the city may, after notifying the property owner responsible for the trimming, enter upon that property and perform the work necessary to comply with code. Upon performing such work, the city will charge the property owner for the actual cost and administrative costs. Property owners are also responsible for trimming overhanging limbs within any city rights-of-way to a minimum height of 8 feet over sidewalks and for a minimum height of 14 feet above any public roadway.

- (1) Maintenance shall be done under the direction and with the approval of the city streets and parks superintendent. Protected trees of any size on private or public property shall not be cut by topping.
- (2) Trees of all sizes shall be pruned as needed to maintain health and safety. Pruning shall retain the natural form of that tree species. All tree pruning shall be conducted according to the latest edition of the National Arborists Association (NAA) standards, the International Society of Arboriculture (ISA) standards, and the American National Standards Institute (ANSI) A-300 that are hereby incorporated by this reference. Trees deemed to be pruned beyond recovery as defined in Section 4.1.1 -G shall be replaced as per applicable Sections of this Section 4.1.1 -.

K. Unlawful activity - tree removal permits.

- (1) It shall be unlawful for any person or contractor to directly or indirectly, cut down, destroy, improperly prune, remove, top or move any protected or replacement trees, or to authorize the cutting down, destroying, removing, topping, moving, or damaging of any protected or replacement trees on city property, except those persons who are employees of the city or are appointed or designated by the mayor and city council, without first obtaining approval from the UDC administrator, or exemption, as provided in this Article. Historic trees may not be removed unless deemed dead, beyond recovery or dangerous by the city streets and parks superintendent.
- (2) The UDC administrator shall have the authority to stop work at a site if unauthorized tree work is occurring. Once a stop work order is issued, work shall not start until the

necessary permits have been issued and any applicable fine has been paid.

Violations for this Section shall be subject to Section 4.1.1 -M.

- (3)** Notwithstanding the above stated requirements, protected trees that are shown to be preserved and are a part of an approved site plan or landscape plan for existing or new development or are shown to be preserved as part of the approval of conditional uses by the UDC administrator and tree board or other development orders or review process requirements are included as protected trees and cannot be removed without first obtaining proper approval. Approval must be given by the UDC administrator or tree board, whichever is applicable.
- (4)** Furthermore, any protected trees approved for removal by the UDC administrator shall not subsequently need approval from the tree board.
- L. Enforcement.** The UDC administrator shall be charged with the enforcement of this Article and is hereby authorized to do all acts necessary to ensure compliance with the terms and conditions of this Article, including but not limited to the issuance of citations for violation of this Article.
- M. Violation Penalty.** Each violation of the provisions of this Article shall be punishable by a fine not to exceed \$1,000.00 per violation. The removal or destruction of each tree covered by the terms and conditions of this Article shall constitute a separate offense under this Article.
- N. Abrogation and greater restrictions.** This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- O. Trees on existing developed properties.** No more than 65% of the tree canopy shall be cut from an existing developed property, except for one- or two-household dwellings, without the consent of the UDC administrator or the tree board.
- P. Non-liability of City.** The contents of this Article shall not in any way be deemed to impose any liability upon the city or upon any of its officers or employees, nor shall it relieve the owner and/or occupant of any private property from duty to keep trees upon

private property or under their control in a safe condition as not to affect the health, safety and general welfare of the public and to follow all provisions of the UDC.

Section 4.1.2 - Principles and standards

- A. Applicability and plans required.** Except as herein provided, there shall be provided for each new development a greenspace plan. Such plan shall incorporate a tree protection plan and a tree establishment plan as part of the greenspace plan or as a separate document. Such tree protection plan and tree establishment plan shall conform to the standards and requirements set out in this Article.
- B. Design principles and standards.** The following principles and standards apply to greenspace, or required amenity space, or one- and two-household lot planting requirements, as applicable, on a site to be developed:
- (1) Greenspace.** Except for one- and two-household sites, a minimum of 15% of the total area of any development, including all buildable areas, shall be devoted to greenspace; i.e., for every one acre in the total area of the development fifteen-hundredths acre (6,534 square feet) shall be reserved as greenspace.
 - (i) The 15% minimum greenspace requirement is calculated from the total area of the development.
 - (ii) Required buffers: Existing trees in required buffer zones can be counted in the total calculations of tree canopy required for the development.
 - (iii) Out parcel development is subject to all requirements contained in this Article and shall not be permitted without prior approval.
 - (2) Tree density.** Each greenspace and required amenity space must have a tree canopy density of at least 35%.
 - (3) Canopy area requirement.** The total canopy area requirement (CARs) required may consist of a combination of canopy area for preserved trees and planted trees.
 - (4) Paved surfaces.** If the total of all paved surface areas in the development is 10,000 square feet or greater, then a minimum of 15% of the paved surface area must be in greenspace.

- (i) The greenspace within paved surface areas must be distributed in islands or peninsulas within and throughout the paved surface areas as specified in Section 2.5.2 -I(4).
 - (ii) This paved area must have a tree density of at least 50% tree canopy.
 - (iii) The canopy area requirements within the paved surface areas shall count towards the canopy area requirements for the total area of the development.
- (5)** Trees in poor condition. Trees in poor condition are not eligible for canopy area requirements. A tree shall be determined to be in poor condition upon evaluation by a certified arborist, the tree board, and/or the UDC administrator using guidelines set forth in the Best Management Practices Manual resource material, which is incorporated in this Article and which is available in the office of the UDC administrator and city tree manager.
- (6)** Canopy area requirement for preserved trees.
- (i) The canopy area requirement for a preserved tree is calculated by measuring canopy coverage of all trees saved. This includes portions of the canopy extending into the public right-of-way but not portions extending onto an adjacent property
 - (ii) Preserved small and medium trees shall be counted at the existing canopy and may only count for up to 60% of the minimum canopy area requirement.
 - (iii) Preserved hardwood large canopy trees with a caliper of 30 or more inches shall be counted at 1.5 times the existing canopy. If a large canopy tree dies or is otherwise removed, then the property owner must replant to meet the tree canopy replacement requirements.
 - (iv) Preserved softwood large canopy trees with a caliper of 28 or more inches shall be counted at 1.5 times the existing canopy. If a large canopy tree dies or is otherwise removed, then the property owner must replant to meet the tree canopy replacement requirements.
 - (v) Unacceptable species or trees (acceptable species) less than 4 inches shall not be assigned canopy coverage area.

- (7) Canopy area requirement for planted trees. The canopy area requirements for a planted tree are assigned based upon mature tree size. Refer to Table 4.12.B.7 for the canopy area requirement assigned to each category of planted tree, and to the land clearing and tree protection manual for further information. No one species shall make up over 25% of the total number of trees planted.

Table 4.12.B.7 Canopy area for planted trees

Mature Size (in feet)	Canopy area in square feet
Small Canopy Trees (Less than 25)	None
Medium Canopy Trees (30—50)	550
Large Canopy Trees (50 and larger)	1,500

- (8) Unacceptable species. Unacceptable species listed in the tree species guidelines of this Article will not be assigned canopy area requirement. Reference shall be made to the tree species list Section 4.1.13 - Appendix 7.
- (9) Minimum caliper. The minimum caliper (measured at six inches above the ground) for planted trees is 3 inches. Multi-stemmed trees must have three to four stems and be six to 8 feet tall. Refer to the tree species list located in the manual for information on the mature size of a specific species.
- (10) Protection of preserved or planted trees. All preserved and/or planted trees shall be protected from land disturbance resulting from any building or facility construction.
- (11) Maintenance of minimum tree canopy requirements or one- and two-household lot planting requirements. The requirements must be maintained on the site as living trees for the life of the development.

C. Tree protection and tree establishment.

- (1) **Protection of preserved trees.** Tree protection zones shall be established and maintained for all preserved trees. The following provisions apply to such zones and trees within them:
 - (i) A tree protection plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and

construction of the project. Such plan shall be approved by the UDC administrator when it is determined that the plan adequately addresses the criteria set forth in the Best Management Practices Manual. The tree protection plan may be either a separate plan or included as part of the greenspace plan. This plan will be reviewed by the UDC administrator. For projects four acres or more, this plan shall be developed by either a landscape architect, certified arborist or a horticulturist.

- (ii) Standards for protected tree preservation in preparation of building plans and during development, demolition, and construction.
 - (a) Before plans are submitted for permit, the UDC administrator must be consulted before any permanent structure or impervious paving is constructed within the tree protection area.
 - (1) A tree protection barrier plan shall be provided illustrating how trees located on or adjacent to the subject property will be protected from any adverse effects of proposed construction or grade changes. The plan must include the tree protection barrier that will be installed.
 - (2) If a major root of any protected tree affected by a grade change visibly extends beyond its drip line, then the UDC administrator may require additional root protection.
 - (3) Before demolition and/or construction, a tree protection barrier shall be placed and maintained as necessary to prevent damaging protected trees on, or adjacent to the subject property. Shield Critical Tree Protection Zone: Active protective barriers shall be installed along the outer edge of and completely surrounding the critical tree protection zones of all specimen trees or stands of trees, and otherwise designated tree save areas, before any land disturbances. The tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy dripline of the tree(s). Refer to Section 4.1.9 - Appendix 3: Critical Root Zone.

- (4) Tree protection barriers are to be placed at or beyond the tree's drip line whenever possible. At no time shall the tree protection barrier(s) be closer than 10 feet from a trunk unless existing or proposed structures are within that range. Refer to Section 4.1.10 - Appendix 4: Standard Tree Protection Detail.
- (iii) No vehicles shall be parked, construction material stored or substances poured or disposed of or placed, within any tree protection zone at any time during clearing or construction of the project.
- (iv) No application of an herbicide, defoliant, or pre-emergent to any tree without first obtaining a permit.
- (v) Where clearing has been approved, trees shall be removed in a manner that does not physically impact the trees to be preserved. Felling trees into tree save areas shall be treated as a violation and shall be punishable in accordance with this Article.
- (vi) No change in grade within the tree protection zone shall be allowed except for a maximum addition of 2 inches of sandy loamy topsoil covered with sod or mulch.
 - (a) Before any grade changes involving the removal of any soil, the property owner or permittee shall:
 - (1) Leave the area within the drip-line at its original grade with terraces by use of dry retaining walls at the drip-line that are constructed to allow for drainage and aeration;
 - (2) Cut roots cleanly and re-trim them after excavation;
 - (3) Cover exposed root system and keep moist;
 - (4) Irrigate tree to compensate for root loss.
 - (b) Violations of this Section will result in a citation of \$350.00 per protected tree per day.
- (vii) Precautions required for excavation and paving around protected trees.

- (a) Whenever possible, water, sewer, and other underground utility lines shall be routed around the drip-lines of protected trees.
 - (b) If compliance with Subsection (a) is impossible, then tunneling or directional boring for the utility shall be routed under the protected tree's root system to prevent damage to major roots. Mechanical trenching is prohibited.
 - (c) Suitable pervious pavement may be placed within the drip-line of a protected tree as long as the tree is not damaged by grade change, soil compaction, or any other cause. There is to be no disturbance to the trunk root flair.
 - (d) Violations of this Section will result in a citation of \$350.00 per protected tree per day.
- (viii) Buffer trees shall also be protected and included in tree save areas.
- (ix) Upon request by the applicant, the use of pervious pavers shall be allowed with approval of the UDC administrator if it is determined the following conditions exist:
- (a) The pavers cannot be counted in the total percent of greenspace; and
 - (b) If the use shall not restrict the water supply or root system of planted or existing trees.
- (2) Protection of planted trees.** Tree establishment zones shall be established by the developer and maintained for all planted trees by the landowner, leaseholder and/or developer. The following provisions apply to such zones and trees within them:
- (i) Any planted tree must have a minimum tree establishment zone based upon its mature size (see tree species list for mature size). The minimum size tree establishment zone centered upon the planted tree shall be as specified below and detailed further in the Best Management Practices Manual:
 - (a) Small canopy trees—One hundred square feet.
 - (b) Medium canopy trees—Two hundred square feet.

- (c) Large canopy trees—More than 400 square feet.
- (ii) Tree planting shall follow current horticultural planting practices as detailed in Section 4.1.11 - Appendix 5 and the Best Management Practices Manual.
- (iii) A tree establishment plan identifying the location of all planted trees shall be provided. The tree establishment plan may be either a separate plan or included as part of the greenspace plan. For projects four acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board. This plan will be reviewed by the tree board, city arborist/tree manager or a consulting urban forester/arborist hired by the city.
- (iv) To minimize traffic hazards at street intersections and avoid conflicts with city infrastructure all tree plantings must follow listed guidelines Table 4.12.C.2.

Table 4.12.C. Tree planting guidelines

Mature Size	Large 50'—70'	Medium 30'—40'	Small 15'—20'	Evergreen 40'—50'
Minimum Width of Tree Space	8'+	8'	4'	8'+
Spacing between trees	50'	40'	20'	30'
Overhead utilities	DO NOT PLANT	DO NOT PLANT	APPROVAL REQUIRED	DO NOT PLANT
Intersections	40'	40'	40'	40'
Stop signs, traffic signs, street lights, traffic signals	30'	30'	30'	30'
Fire hydrant, gas or water valves	10'	10'	10'	10'
Underground utilities	10'	10'	10'	10'

- (v) No tree is to be planted in any area between a sidewalk and curb that is less than 3 feet wide.
- (vi) The area within the tree establishment zone must remain open and unpaved. The use of pervious pavers may be allowed subject to approval of the UDC administrator.

- (vii) No vehicles shall be parked, or construction material stored, or substances poured, or disposed of or placed within any tree establishment zone at any time during clearing or construction of the project, before establishment.

(3) Maintenance. The following shall apply to newly planted trees required by this Article:

- (i) **General.** Trees shall be maintained for 2 years after the date of final inspection to establish the health and growth of the tree. Should any tree die or fail within the required maintenance period, new replacement trees shall be planted. At a minimum, maintenance shall include the following: watering, mulching, training pruning, and if necessary, pest management.
- (ii) **Irrigation systems.** An independent low-flow drip and/or micro-spray irrigation system may be used to establish trees. All irrigation systems connected to any potable water supply shall conform to city and state requirements to prevent contamination of the potable water supply. Irrigation shall not be installed in a public right-of-way.

(4) Designation of exceptional trees. The mayor and city council may, on its own initiative or upon petition, designate a tree as "exceptional," as defined in this Article. All nominations for exceptional tree designations shall be reviewed by the tree board who shall make a recommendation on such nomination to the mayor and city council. Trees so designated shall thereafter be considered a public landmark and shall not be destroyed or endangered. The designation of an exceptional tree shall be based upon an evaluation of the tree in relation to the following criteria:

- (i) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
- (ii) The tree has unusually high aesthetic value.
- (iii) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
- (iv) The tree is free of disease, pests or serious injury.
- (v) The tree has a life expectancy of more than ten years.

(vi) The tree is free from structural defects which could present a hazard to the public.

(5) Prohibited trees along street and in public areas. Trees that are prohibited along streets and in public areas within the city are found in Section 4.1.13 - Appendix 7.

(6) Trees on adjacent city property.

(i) A property owner or person authorizing or responsible for any land disturbing activity within the drip line of a tree located on city property shall provide for the protection of such tree(s) to the standards described in these regulations.

(ii) Any person authorizing or who engages in land disturbing activity that causes damage to or affects the health or growth of a tree or tree's surrounding environment or support system on city property shall be responsible for damages to the tree or to the surrounding environment, including replacement value, as determined by the tree board. Upon notice of the amount of damages, an appeal as to the amount of damages may be filed with the mayor and city council within 15 days of notice. In the event the damages are not paid within 30 days of the lapsing of the time for filing a final appeal or final decision by the mayor and city council, the damages shall become a lien on the adjacent property from which the damage emanated and shall be collected in the same manner and fashion as authorized by state law for the collection of delinquent tax liens.

D. Underbrushing requirements. On tracts of land containing 4 or more acres, the UDC administrator shall approve underbrushing of no greater than two-inch diameter trees upon the following findings:

(1) The UDC administrator finds that sufficient tree cover exists such that the removal of such trees will not impair the ability of the site to comply with the requirements of these regulations, and;

(2) The removal of such trees is not in conflict with the purpose and intent of these regulations.

(3) On tracts of land of any size, any under brushing that results in any land disturbance shall require a land disturbance permit.

- E. Tree banking.** For those projects that the 35% minimum canopy or lot planting requirements cannot be achieved as determined by the tree board, a cash payment can be made to the city's tree bank. These funds will be used for the purchasing and planting of trees at the city's discretion.

Section 4.1.3 - Administration

A. Creation and establishment of a city tree board.

- (1) Tree board.** There is hereby created and established a tree board for the city which shall consist of nine members, who shall be appointed by the mayor with the approval of the mayor and city council, with consideration for expertise in the areas of administration, urban forestry, conservation, preservation of environmental attributes, horticulture, landscaping, and commercial or private construction.
- (2) Term of office.** The term of the nine members shall be three years except that the term of three of the members appointed to the first nine-member tree board shall be for one year and three of the members appointed to the first nine-member tree board shall be two years. If a vacancy occurs during the term of any member, a successor shall be appointed for the unexpired portion of the term. All may be reappointed to successive terms; however, no member may serve more than six consecutive years (two terms). Members who have served for six consecutive years on the nine-member tree board may be reappointed to the tree board after a one-year break in service.
- (3) Compensation.** Members of the tree board shall serve without compensation.
- (4) Variances.** A request for a variance shall be heard by the tree board, which may grant the variance of a special use permit if it determines the following criteria are met:
- (i) The variance requested will not adversely impact the intent and purpose of these regulations.
 - (ii) The variance will not promote soil erosion or interfere with drainage holding capacity of the land, or increase air pollution and carbon dioxide levels in the air.

- (iii) The variance will be consistent with the aesthetic quality of forest and conservation patterns predominant in the surrounding areas;
 - (iv) The variance will not have a negative impact on surrounding property values or forest and conservation patterns; and
 - (v) Failure to grant the variance would result in an undue or exceptional hardship.
- (5) Ex-officio tree board members.** The tree board may appoint persons as ex-officio tree board members as it desires. Such members shall be persons from the community or city, state or federal government whose expertise, job responsibilities or knowledge is such that it would enhance or bring special knowledge to the tree board and from whose participation the tree board would benefit. Ex-officio members shall function as a part of the tree board; however, they are not eligible to cast a vote on issues being decided by the tree board in a voting matter.

Section 4.1.4 - Land Clearing Activities

A. Applicability.

- (1)** All clearing or land disturbing activities require a land-disturbing activity permit under this Section, except as specified in “2” below.
- (2)** Silvicultural activities, including timber harvesting and planting, and removal of hazardous and diseased trees do not require a permit, but must follow the best management practices for forestry. In addition, on tracts where timber is harvested, where possible, a 25-foot buffer of existing trees shall be left undisturbed along each property line including street rights-of-way.

B. Application for land disturbance activities permits.

- (1)** Land development applications are handled as part of the process to obtain the land disturbing activity permit. Before any person beginning development on a site, the owner of the site shall first obtain approval in accordance with the following general procedure. See the land-disturbing activity permit application for the detailed procedure and relevant permit approval time frames.

- (2) Persons proposing clearing or land-disturbing activity shall file an application and a site plan with the UDC administrator which conforms to the standards set out in this Article.
- (3) Before a land-disturbing activity permit application is submitted, an applicant should request and participate in a pre-submittal meeting. Submittal requirements are provided in Section 4.1.4 -C.
- (4) No clearing or land-disturbing activity may start until a permit is issued by the UDC administrator upon determination that the plans comply with the principles and standards for tree protection contained in this Article.
- (5) A permit will be issued as soon as practical following the approval of the application, plans and supporting documents, but in no event later than 15 days after receiving approval from the applicable city departments.
- (6) The UDC administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (7) If the application or supporting materials are disapproved, the UDC administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the UDC administrator to again consider and either approve or disapprove.
- (8) If the application and supporting materials are approved, the city may issue the associated land-disturbing activity permit, provided all other legal requirements for the issuance of such permits have been met.
- (9) No applications shall be accepted unless accompanied by site plans and applicable supporting documentation which meet the requirements in this Section and conforming to the principles and standards described in this Article.
- (10) No Application shall be complete without a signed inspection and maintenance agreement, as applicable. The applicant agrees to record such inspection and maintenance agreement before final inspection.
- (11) An application shall be accompanied by an application fee established by the UDC administrator, as approved by the mayor and city council.

- (12) The permit may be suspended, revoked, or modified by the UDC administrator upon finding that the holder is not proceeding in compliance with this Article, or the contents of the plan filed with the UDC administrator.
- (13) Site plans, including all tree establishment or tree protection plans contained therein, and applicable supporting documentation, shall be prepared under the supervision of a state registered arborist, landscape architect, or professional engineer.
- (14) The arborist, landscape architect professional engineer responsible for the tree canopy analysis shall certify compliance with this Article.
- (15) In the event the activity for which a permit is granted is not initiated within 12 months of the granting of the permit, then the permit shall lapse.

C. Plans required for land disturbance activities permit.

- (1) Project description. Such description shall include:
 - (i) Purpose of the requested permit.
 - (ii) Map(s) showing existing and proposed land uses, building, parking, and other pertinent elements of development.
 - (iii) A boundary survey which shall include the location of all easements, building setback lines, nearby governmental jurisdictional boundaries, and nearby zoning district boundaries.
 - (iv) Anticipated starting and completion dates for each phase of the project.
- (2) Greenspace plan. The greenspace plan shall include the following plans. These may be separate documents, or may be included as part of the overall greenspace plan.
 - (i) Tree protection plan. Such plan shall include:
 - (a) A map showing existing tree cover and tree cover that is to be removed.
 - (b) The location and species of all trees to be preserved on the site.

(c) The location, species, specifications if different from those listed in the Best Management Practices Manual.

(d) The DBH of all trees located on adjacent city right-of-way.

However, where a grouping or cluster of 20 or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given, and the average DBH is identified for each species.

(ii) Tree establishment plan. Such plan shall include:

(a) The location of tree establishment zones.

(b) A listing of all trees to be planted on the site giving their respective species.

(c) A description of tree planting specifications if altered from those listed in the land clearing and tree protection manual.

(iii) Irrigation plan. Such plan shall include the location of permanent water sources and/or irrigation lines.

(3) Permits for multi-phase developments. If a tract is to be developed in phases, then a separate permit shall be required for each phase.

(4) Denial of permit. If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

D. Appeals, modifications, and variances.

(1) Appeals. Appeals from the orders, rulings or decisions of the UDC administrator or requests for variance from the provisions of this Article shall be made in writing within 15 days of the order, ruling or decision to the city tree board on forms provided for such purpose by the UDC administrator. The tree board shall consider the appeal or variance at its next regularly-scheduled meeting, but in no event more than 45 days following the request. Any appeal or variance may be appealed to the mayor and city council by filing written notice with the city clerk following a decision by the tree board.

- (2) Modifications.** Requests for modification shall be submitted in writing to the UDC administrator, who will pass it on to the city tree board for consideration with an explanation of how the plan with modifications stills meets the intent of the ordinance.

Modifications may be sought for the following:

- (i) Species selection—For use of non-listed specie cultivars that share characteristics of species listed but not shown on recommended specie list.
- (3) Variance.** Variances shall only be granted upon determination that the variance is the minimum necessary to afford relief. Requests for variance will be accompanied by a nonrefundable fee of \$30.00.
- (4) Reasons for granting variances.** Variances shall only be granted upon:
- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship; and
- (iii) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.
- (5) Additional standards.** In consideration of variances and appeals, and the purpose set forth for these regulations, the tree board may impose or require such additional standards as may be necessary to protect the value and use of property in the general neighborhood.
- (6) Submitting a request for variance.** Variances shall be submitted to the UDC administrator before the next regularly-scheduled tree board meeting. If the tree board receives the request for variance from the UDC administrator within five working days of the next regularly-scheduled tree board meeting, the variance will be reviewed and a ruling returned to the UDC administrator within five days after the meeting.

Section 4.1.5 - Public tree planting

- A. Definition of street trees and park trees.** Street trees are herein defined as trees and all woody vegetation on land lying on either side of all streets within the city, within the

designated public street right-of-way. Park trees are herein defined as trees and all woody vegetation in public parks and other areas owned by the city to which the public has free access.

B. Selection of trees for streets and parks. Before planting a tree on any street, park or other public land, the species to be planted must be approved by the UDC administrator.

C. Placement of street trees and park trees.

(1) To minimize traffic hazards at street intersections and avoid conflicts with city infrastructure all tree plantings must follow listed guidelines:

Mature Size	Large 50'—70'	Medium 30'—40'	Small 15'—20'	Evergreen 40'—50'
Minimum Width of Tree Space	8'+	8' +	4'	8'+
Spacing between trees	50'	40'	30'	30'
Overhead utilities	DO NOT PLANT	DO NOT PLANT	APPROVAL REQUIRED	DO NOT PLANT
Intersections	40'	40'	40'	40'
Stop signs, traffic signs, street lights, traffic signals	35'	35'	35'	35'
Fire hydrant, gas or water valves	10'	10'	10'	10'
Underground utilities	10'	10'	10'	10'

(2) Distance from curb and sidewalk:

(i) The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Statesboro recommended list of street trees and no trees may be planted closer to the curb or sidewalk than the following:

(a) Small canopy trees—Two feet (minimum 4 feet by 6 feet planting area)

- (b) Medium canopy trees—Three feet (minimum of five feet by 8 feet planting area)
- (c) Large canopy trees—Four feet (minimum of 6 feet by 10 feet planting area foot wide planting area) except in special plantings designed or approved by the city tree board and the UDC administrator.

Section 4.1.6 - Public tree care

A. Tree removal

- (1) The removal of trees within a public right-of-way or on other city property is not allowed without the written authorization of the city.
- (2) The tree board may recommend to the UDC administrator the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is a public hazard or is injurious to any public improvement and if infected with any fungus, insect or disease which constitutes a potential threat to other trees in the city.

B. Stump removal. All stumps of street and park trees shall be removed 12 inches below the surface of the ground.

C. Tree pruning. Trees on public property may be pruned for utility line clearance only by tree pruners who have attended at least one city sponsored utility line clearance workshop within a 12-month period of pruning activity. Participants will be trained and certified by the city tree board. At each pruning site, names of pruning crew with date of certification shall be available for city's review. The city streets and parks superintendent shall be notified three days in advance the locality of any pruning activities taking place. All pruning of public trees shall be done in accordance with the current American National Standard for Tree Care Operations (ANSI A300-2001) and the most current standards as developed by the National Arborist Association.

D. Tree topping. Tree topping is not permitted. Tree topping is an unacceptable practice and is not permitted for any reason.

- E. Tree management.** Tree management of street, park and other public trees will be carried out in accordance with the policies established in the Best Management Practices Manual and administered by the UDC administrator.

Section 4.1.7 - Appendix 1: Square footage examples.

Example 1: Following site to be developed:

Step 1: 10 acre site = 435,600 square feet.

Step 2: 35% canopy cover figure.

$435,600 \times 0.35 = 152,460$ square feet to meet 35% canopy cover.

Step 3: Preserved trees left on site = 65,340 square feet (1.5 acres).

$152,460$ minus $65,340 = 87,120$ square feet of replacement trees.

Step 4: Replacement trees required to meet 35% CR (canopy area requirement).

CR = Canopy area requirement.

⇒ 87,120 square feet of area to be planted in trees.

a. Large canopy trees = 1,500 square feet per tree planted.

✓ 50 large canopy trees \times $1,500$ square feet = $75,000$ square feet.

✓ Total square feet = $72,000$ square feet.

b. Medium canopy trees = 550 square feet per tree planted.

✓ 24 medium canopy trees \times 550 square feet = $13,200$ square feet.

✓ Total square feet = $13,200$ square feet.

c. Small canopy trees = 0 square feet per tree planted.

✓ 12 small canopy trees \times 0 square feet = 0 square feet.

d. Total square footage of trees planted: 88,200 square feet.

THE 88,200 SQUARE FEET OF PLANTED TREES HAS MET 35% CANOPY AREA REQUIREMENT

and

THE PRESERVED TREE AREA (65,340 square feet) DOES NOT EXCEED 60% OF THE MINIMUM CANOPY AREA REQUIRED (152,450 square feet).

Section 4.1.8 - Appendix 2: Tree bank contribution formula

Contribution calculations are based on two-inch caliper replacement trees with a value updated annually, and on file with the city, representing the average size and cost of materials, labor and guarantee for trees planted in Statesboro area.

Example 1: Based on unit value of tree replacement of \$500.00 (amount subject to change).

To determine the appropriate canopy requirement (CR) contribution, first calculate the implantable square footage (ISF) of tree space which cannot be planted on the site.

Divide the ISF by 1,500 square feet (the square foot value of a two-inch caliper large replacement tree) and multiply by \$500.00.

Example 2: The total square feet of 35% CR required is 43,560 square feet.

Due to space limitation and other site problems, the site only has 29,000 square feet of plantable area (PA) for replacement trees.

To determine the CR trees not plant able on site use the following formula:

$$\text{ISF} = \text{CR} - \text{PA}$$

In this example:

$$\text{CR (43,560 square feet)} - \text{PA (29,000 square feet)} = 14,560 \text{ square feet of ISF.}$$

$$\text{CR} = \text{ISF} \div 1,500 \text{ square feet.}$$

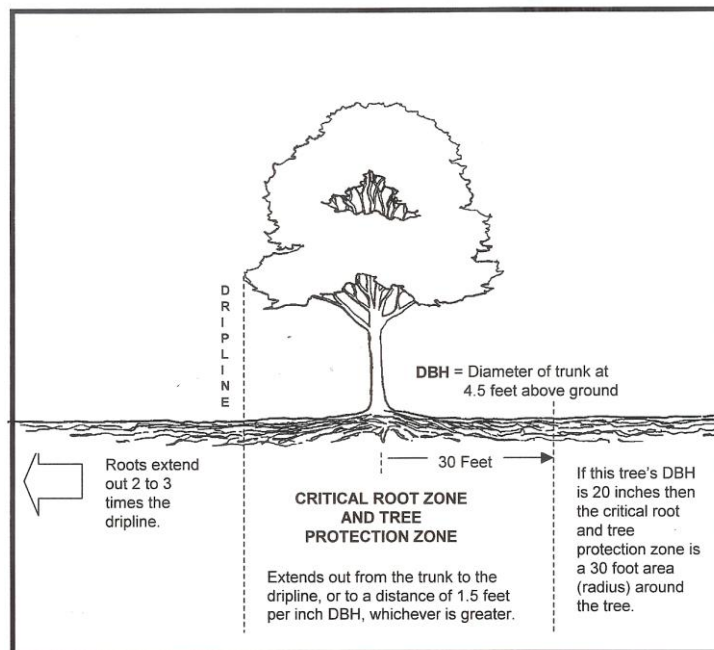
$$\text{CR} = 14,560 \div 1,500 \text{ square feet} = 9.707 \text{ replacement trees.}$$

This means the developer must contribute to the City of Statesboro Tree Bank the value of ten trees.

Determine the acceptable contribution amount as follows:

$$10 \times \$500.00 = \$5,000.00 \text{ TOTAL CONTRIBUTION TO TREE BANK}$$

Section 4.1.9 - Appendix 3: Critical Root Zone



To calculate critical root zone radius, begin by measuring the diameter at breast height (DBH). This is done by measuring the tree's trunk diameter (thickness) at a point 4.5 feet above the ground. The measurement should be done in inches. For each inch of DBH, allow for 1.5 feet of critical root radius for significant or sensitive trees, or 1.0 feet for tolerant trees. For example, if a tree's DBH is 10 inches, then its critical root radius is 15 feet ($10 \times 1.5 = 15$). The PRZ is an area around the tree with a diameter of 30 feet ($2 \times$ radius) and is the area in which a critical amount of the tree's roots may be found. Whenever possible, isolate this area from construction disturbance.

Approximate a tree's protected root zone by calculating the critical root radius (crr). First, measure the tree diameter in inches at breast height (DBH). Then multiply that number by 1.5 or 1.0. Express the result in feet.

Example:

$$\text{dbh} = 8 \text{ inches}$$

$$8 \times 1.5 = 12$$

$$\text{crr} = 12 \text{ feet}$$

$$\text{Measure diameter (width)} = \text{dbh}$$

Section 4.1.10 - Appendix 4: Standard Tree Protection Detail



HEAVY MIL PLASTIC, MINIMUM 4" WIDTH,
DARK LETTERING ON BRIGHT BACKGROUND

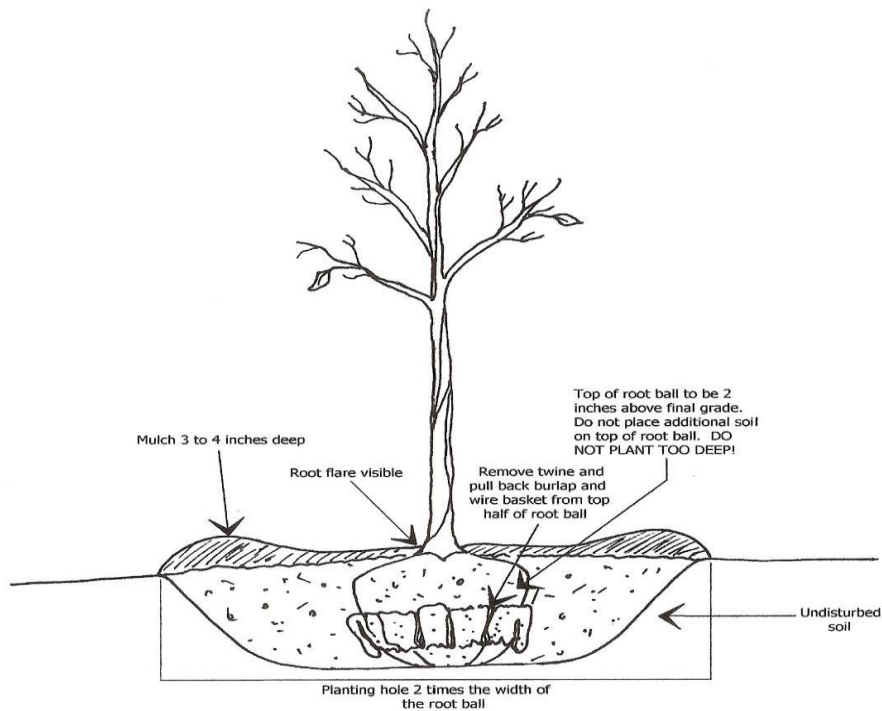


○ PASSIVE TREE PROTECTION FLAGGING
N.T.S.

CITY OF STATESBORO

STANDARD TREE PROTECTION DETAIL

Section 4.1.11 - Appendix 5: Standard Tree Planting Detail



NOTES:

1. ALL TREES ARE TO BE NURSERY GROWN AND LOCALLY ADAPTED, BALL AND BURLAP (B&B) PREFERRED. MINIMUM TREE SIZE IS 2" CALIPER
2. REMOVE ALL TREATED OR PLASTIC-COATED BURLAP, STRAPPING, WIRE OR TWINE FROM ROOT BALL.
3. FOR CONTAINER GROWN TREES, CAREFULLY REMOVE THE PLANT FROM THE CONTAINER AND CUT ANY MATTED OR CIRCLING ROOTS.
4. WATER TREE AFTER PLANTING. FOR MULCH, USE PINE NEEDLES OR SEASONED MULCH AND USE NO MORE THAN 3 TO 4 INCHES DEEP.
5. TREE WRAP IS OPTIONAL.
6. STAKING IS OPTIONAL. RUBBER HOSE AND ROPE OR WIRE FOR STAKING IS NOT RECOMMENDED. 3/4" NYLON STRAP OR TREE BRACE STRAP IS PREFERRED. STAKING SHOULD BE REMOVED AFTER ONE GROWING SEASON.

CITY OF STATESBORO

STANDARD TREE PLANTING DETAIL

Section 4.1.12 - Appendix 6: Tree Species Listing

Large Canopy Trees for Large: (Count for 1,500 square feet of area for planting—Minimum two-inch caliper)									
Large Trees >50 feet suitable for areas with more than 400 square feet of total planting area; in a planting strip at least 16' x 25' or 20' x 20'									
Species Common Name	Deciduous (D) Evergreen (E)	Sun/Shade	Growth Rate	Medians	Parking Lots or Similar 'Hardscapes'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas**	Yards
Green Ash*	D	FS	F	YES	YES	YES	NO	YES	YES
Blackgum*	D	PS/FS	S	YES	NO	NO	NO	YES	YES
Bald Cypress*	D	FS/PS	F	YES	NO	NO	NO	YES	YES
Pond Cypress*	D	PS/FS	F	YES	NO	NO	NO	YES	YES
Pignut Hickory*	D	PS/FS	M	YES	YES	NO	NO	YES	NO
Water Hickory*	D	PS/FS	S	YES	YES	NO	NO	YES	NO
Southern Magnolia*	E	PS/FS	M	YES	NO	YES	NO	NO	YES
Red Maple*B	D	PS/FS	F	YES	YES	YES	NO	YES	YES
Laurel Oak*	SE	PS/FS	F	YES	NO	NO	NO	NO	YES
Live Oak*	E	PS/FS	M	YES	YES	NO	NO	YES	YES
Nutall Oak*	D	FS	M	YES	YES	NO	NO	YES	YES
Shumard Oak*	D	FS	F	YES	YES	YES	NO	YES	YES
Southern Red Oak*	D	FS	M	YES	YES	YES	NO	YES	YES
Scarlet Oak*	D	FS	M	YES	YES	YES	NO	YES	YES

Swamp Chestnut Oak*	D	PS/FS	M	YES	YES	NO	NO	YES	YES
White Oak*	D	PS/FS	M	YES	YES	NO	NO	YES	YES
Willow Oak*	D	FS	F	YES	YES	YES	NO	YES	YES
Loblolly Pine*	E	FS	F	NO	NO	NO	NO	NO	YES
Longleaf Pine*	E	FS	F	NO	NO	NO	NO	NO	YES
Eastern Red Cedar*	E	FS	F	YES	YES	NO	NO	NO	YES
Sycamore*	D	FS	F	YES	NO	NO	NO	YES	NO
Tulip Poplar*	D	FS	F	YES	YES	YES	NO	YES	YES
Zelkova	D	FS	M	YES	YES	YES	NO	YES	YES

Key:				
* Native to South Georgia	Sun/shade exposure:	Growth rate:	Type:	Problems:
** Tree placement and maintenance procedures should be respectful of sight distance	FS = Full sun	S = Slow (less than 1' per year)	D = Deciduous	A. Large fruit
	PS = Part sun	M = Medium (1—2' per year)	E = Evergreen	B. Use of hybrids recommended
	S = Shade	F = Fast (more than 2' per year)	SE = Semi Evergreen	

Medium Canopy Trees: (Count for 550 square feet of area for planting—Minimum two-inch caliper)

Medium Trees 30'—50' Suitable for spaces with 100 to 200 square feet of total planting space; in a planting strip at least 4—7 feet wide; or place at least 4 feet from pavement or wall.

Chapter 4. Environment | **Article 4.1 - Urban Forest Beautification and Conservation**
 Section 4.1.12 - Appendix 6: Tree Species Listing

Species Common Name	Deciduous (D) Evergreen (E)	Sun/Shade	Growth Rate	Medians	Parking Lots or Similar 'Hardscapes'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas**	Yards
River Birch*	D	PS/FS	F	YES	NO	NO	NO	YES	YES
Lacebark Elm	D	FS	F	YES	YES	YES	NO	YES	YES
Golden Raintree	D	FS/PS	M	YES	YES	YES	YES	YES	YES
East Palatka Holly*	E	FS	M	YES	YES	NO	NO	NO	YES
American Holly*	E	FS	S	YES	YES	NO	NO	NO	YES
Nellie R. Stevens Holly	E	FS	M	YES	YES	NO	YES	YES	YES
Savannah Holly*	E	FS	M	YES	YES	YES	NO	YES	YES
Sweetbay Magnolia*	D	PS	M	YES	YES	YES	NO	NO	YES
Trident Maple	D	PS/FS	M	YES	YES	YES	NO	YES	YES
Overcup Oak	D	FS	M	YES	YES	YES	NO	YES	YES
Cabbage Palm	E	PS/FS	S	YES	YES	YES	NO	NO	YES
Windmill Palm	E	PS/FS	S	YES	YES	YES	NO	NO	YES
Chinese Pistache	D	FS/PS	M	YES	YES	YES	NO	YES	YES
Eastern Redbud*	D	PS	F	YES	YES	YES	YES	YES	YES
Carolina Silverbell*	D	PS/FS	M	YES	YES	YES	YES	YES	YES
Yellowwood*	D	PS/FS	M	YES	YES	YES	NO	YES	YES

Medium Canopy Trees: (Count for 550 square feet of area for planting—Minimum two-inch caliper)

Medium Trees 30'—50' Suitable for spaces with 100 to 200 square feet of total planting space; in a planting strip at least 4—7 feet wide; or place at least 4 feet from pavement or wall.									
Species Common Name	Deciduous (D) Evergreen (E)	Sun/Shade	Growth Rate	Medians	Parking Lots or Similar 'Hardscapes'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas**	Yards
River Birch*	D	PS/FS	F	YES	NO	NO	NO	YES	YES
Lacebark Elm	D	FS	F	YES	YES	YES	NO	YES	YES
Golden Raintree	D	FS/PS	M	YES	YES	YES	YES	YES	YES
East Palatka Holly*	E	FS	M	YES	YES	NO	NO	NO	YES
American Holly*	E	FS	S	YES	YES	NO	NO	NO	YES
Nellie R. Stevens Holly	E	FS	M	YES	YES	NO	YES	YES	YES
Savannah Holly*	E	FS	M	YES	YES	YES	NO	YES	YES
Sweetbay Magnolia*	D	PS	M	YES	YES	YES	NO	NO	YES
Trident Maple	D	PS/FS	M	YES	YES	YES	NO	YES	YES
Overcup Oak	D	FS	M	YES	YES	YES	NO	YES	YES
Cabbage Palm	E	PS/FS	S	YES	YES	YES	NO	NO	YES
Windmill Palm	E	PS/FS	S	YES	YES	YES	NO	NO	YES
Chinese Pistache	D	FS/PS	M	YES	YES	YES	NO	YES	YES
Eastern Redbud*	D	PS	F	YES	YES	YES	YES	YES	YES
Carolina Silverbell*	D	PS/FS	M	YES	YES	YES	YES	YES	YES
Yellowwood*	D	PS/FS	M	YES	YES	YES	NO	YES	YES

Section 4.1.13 - Appendix 7: Unacceptable Species

The following species are unacceptable because they are poor or marginal performers:

Common Name	Scientific Name	Problem
Box Elder	<i>Acer negundo</i>	Aggressive shallow roots, weak wood
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'	Genetic flaw, splits apart, susceptible to breakage
Catalpa	<i>Catalpa bignonioides</i>	Weak wooded
Chinese Tallowtree	<i>Sapiun sebiferum</i>	Aggressive shallow roots, susceptible to breakage
Female Ginkgo	<i>Ginkgo biloba</i>	Foul smelling fruit
Green ash	<i>Fraxinus pennsylvanica</i>	Anthracnose, aggressive shallow roots
Hackberry	<i>Cercis spp.</i>	Large diameter surface roots, susceptible to breakage
Mimosa	<i>Albizia julibrissin</i>	Prone to disease, weedy tree, susceptible to breakage
Pecan	<i>Carya illinoensis</i>	Large diameter surface roots, diseased prone, susceptible to breakage
Princess tree	<i>Paulowina tomentosa</i>	Aggressive shallow roots, weedy tree, messy, weak wooded
Russian olive	<i>Elaegnus angustifolia</i>	Poor form, disease
Silver Maple	<i>Acer saccharinum</i>	Aggressive shallow roots, weak wood
Sweetgum	<i>Liquidambar styraciflua</i>	Aggressive surface roots, fruit a litter nuisance
Tree-of-heaven	<i>Ailanthus altissima</i>	Aggressive shallow roots, weedy tree, seeds, weak wood
Water Oak	<i>Quercus nigra</i>	Large diameter surface roots, susceptible to breakage

ARTICLE 4.2 - STORMWATER MANAGEMENT

Section 4.2.1 - Title

- A. This Article shall be known as the stormwater management ordinance.

Section 4.2.2 - Purpose of Article

- A. The purpose of this Article is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare of the public, and protect water and aquatic resources.

Section 4.2.3 - Definitions

For this Article, the terms below shall have the following meanings:

Applicant means a person submitting a land development application for approval.

BMP or best management practice means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Detention means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention facility means a structure designed for the storage and gradual release of stormwater runoff at a controlled rate.

Development means new development or redevelopment.

Extended detention means the storage of stormwater runoff for an extended period of time.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that exceeds the banks or walls of a BMP, or channel, and overflows onto adjacent lands.

GSMM means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the UDC administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

Land development application means the application for a land development permit on a form provided by City of Statesboro along with the supporting documentation required in Section 4.2.9 - Permit; Filing and Contents of Site Plan.

Land development permit means the authorization necessary to begin construction related, land-disturbing activity.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Landscaping plan means a scheme for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation.

Linear transportation projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

New development means land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Person means any individual, partnership, firm, association, joint venture, public or Private Corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body, or any other legal entity.

Post-construction stormwater management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development means the time period, or the conditions that may reasonably be expected or anticipated to exist on site, after completion of the land disturbing activity on a site as the context may require.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development means the time period, or the conditions that exist on a site, before the start of development and at the time that plans for the development of a site are approved by the city. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before the implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Previously developed site means a site that has been altered by paving, construction, and/or land disturbing activity.

Redevelopment means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Site means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under the applicable land development permit.

Stormwater concept plan means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater management plan means a plan for post-construction stormwater management at the site that meets the requirements of Section 4.2.9 - Permit; Filing and Contents of Site Plan and is included as part of the land development application.

Stormwater management standards means those standards set forth in Section 4.2.10 - Stormwater Management Standards.

Stormwater management system means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

UDC administrator. The city official authorized by the city manager to administer this Article or their designee.

Section 4.2.4 - Compliance with Article

- A.** All development, excavation, construction, clearing or land-disturbing activity conducted within the city, with the exception of the activities listed in Section 4.2.8 - Exemptions from Stormwater Management Standards, must:
- (1)** Be conducted in accordance and compliance with the standards laid out in this Article.
 - (2)** Be conducted in accordance with the standards in Article 4.4 - Flood Damage Prevention Ordinance, as applicable.
 - (3)** Be conducted in accordance and compliance with the list of activities that will greatly increase runoff.
 - (4)** Be conducted in accordance with the standards in Article 4.3 - Soil Erosion, Sedimentation and Pollution Control.
 - (5)** Be preceded by filing of an application and a site plan and issuance of a permit to conduct such activity.
 - (6)** Be maintained by the owner in compliance with the principles and standards set out in this Article.

Section 4.2.5 - Adoption and Implementation of the GSMM; Conflicts and Inconsistencies

- A.** In implementing this Article, the city shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- B.** This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation, or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

- C. If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section 4.2.6 - Designation of Administrator

- A. The UDC administrator is hereby appointed to administer and implement the provisions of this Article.
- B. The following duties and responsibilities set forth in this Article for all developments and construction projects will be administered and enforced by the UDC administrator:
 - (1) The UDC administrator shall review all development construction and drainage plans to ensure that the permit requirements of this Article have been satisfied.
 - (2) If additional federal or state permits are known to be required, the UDC administrator shall require that copies of such permits are provided and maintained on file with the development permit.
- C. The UDC administrator shall administer and enforce those provisions of this Article which apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The UDC administrator shall ensure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

Section 4.2.7 - Applicability Criteria for Stormwater Management Standards

- A. This Article applies to the following activities:
 - (1) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
 - (2) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
 - (3) New development and redevelopment if:
 - (i) Such new development or redevelopment is part of a subdivision or other common plan of development, and

- (ii) The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development exceeds the threshold in (1) and (2) above;
- (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (5) Linear transportation projects that exceed the threshold in (1) or (2) above.

Section 4.2.8 - Exemptions from Stormwater Management Standards

A. This Article does not apply to the following activities:

- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (4) Repairs to any stormwater management system deemed necessary by the UDC administrator;
- (5) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 4.2.7 -A(1) or Section 4.2.7 -A(2);
- (6) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 4.2.7 -A(1) or Section 4.2.7 -A(2);
- (7) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

- (8) Linear transportation projects, funded in whole or in part and managed by city, to the extent the UDC administrator determines that implementing the stormwater management standards is infeasible for any portion of the Site. For this exemption to apply, an infeasibility report shall first be submitted to the UDC administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the UDC administrator.

Section 4.2.9 - Permit; Filing and Contents of Site Plan

- A. Land development applications are handled as part of the process to obtain the land-disturbing activity permit. Before any person beginning development on a site, the owner of the site shall first obtain approval in accordance with the following general procedures. See the land-disturbing activity permit application for the detailed procedure and relevant permit approval time frames.
 - (1) Persons proposing development, construction or land-disturbing activity shall file an application and a site plan with the UDC administrator which conforms to the standards set out in this Article.
 - (2) Before a land-disturbing activity permit application is submitted, an applicant should request and participate in a pre-submittal meeting. Submittal requirements are provided in Section 4.2.11 - Stormwater Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.
 - (3) No development, construction or land-disturbing activity may start until a permit is issued by the UDC administrator upon determination that the plans comply with the principles and standards for grading and drainage as contained in this Article.
 - (4) A permit will be issued as soon as practical following the approval of the application, plans and supporting documents, but in no event later than 15 days after receiving approval from the applicable city departments.
 - (i) The UDC administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
 - (ii) If the application or supporting materials are disapproved, the UDC administrator shall notify the applicant of such fact in writing. The applicant may then revise

any item not meeting the requirements hereof and resubmit the same for the UDC administrator to again consider and either approve or disapprove.

- (iii) If the application and supporting materials are approved, the city may issue the associated land-disturbing activity permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.
- (5) No applications shall be accepted unless accompanied by site plans and applicable supporting documentation which meet the requirements in this Section and conforming to the principles and standards described in this Article.
- (6) No Application shall be complete without a signed inspection and maintenance agreement. The applicant agrees to record such inspection and maintenance agreement before final inspection.
- (7) An application shall be accompanied by an application fee established by the UDC administrator, as approved by the mayor and city council.
- (8) The permit may be suspended, revoked, or modified by the UDC administrator upon finding that the holder is not proceeding in compliance with this Article, or the contents of the plan filed with the UDC administrator.
- (9) Site plans, including all grading and drainage control plans contained therein, and applicable supporting documentation, shall be prepared under the supervision of a state registered professional engineer.
- (10) Upon development project completion, the items required in Section 4.2.15 - shall be required.
- (11) The professional engineer responsible for the drainage analysis shall certify compliance with this Article in compliance with Section 4.2.15 - Final Inspection; As-Built Drawings and Report; Delivery of Inspection and Maintenance Agreement.
- (12) In the event the activity for which a permit is granted is not initiated within 12 months of the granting of the permit, then the permit shall lapse.

Section 4.2.10 - Stormwater Management Standards

- A.** Subject to the applicability criteria in Section 4.2.7 - Applicability Criteria for Stormwater Management Standards and Section 4.2.8 - Exemptions from Stormwater Management Standards, the following stormwater management standards apply.
- (1) Design of stormwater management system.** The design of the stormwater management system shall be in accordance with the applicable Sections of the GSMM as directed by the UDC administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
 - (2) Natural resources inventory.** Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
 - (i) Topography (minimum of 2-foot contours recommended) and Steep Slopes (i.e., areas with slopes greater than 15%).
 - (ii) Natural drainage divides and patterns.
 - (iii) Natural drainage features (e.g., swales, basins, depression areas).
 - (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors.
 - (v) Predominant soils (including erodible soils and karst areas).
 - (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
 - (3) Better site design practices for stormwater management.** Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable.

(4) Stormwater runoff quality/reduction. Stormwater Runoff Quality/Reduction shall be provided by using the following:

- (i) For single-family residential developments, or commercial developments with a stormwater management plan submitted before the effective date of this UDC, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- (ii) For commercial developments with a stormwater management plan submitted on or after the effective date of this UDC, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2-inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.
 - (a) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - (b) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2-inch rainfall event.
 - (c) If a site is determined to be a hotspot as detailed in Section 4.2.3 - Definitions, the city may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(5) Stream channel protection. Stream channel protection shall be provided by using all the following three approaches:

- (i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- (ii) Erosion prevention measures, such as energy dissipation and velocity control;
and

- (iii) Preservation of any applicable stream buffer.
- (6) Overbank flood protection.** Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.
- (7) Extreme flood protection.** Extreme flood protection shall be provided by safely passing the 100-year, 24-hour storm event.
- (8) Downstream analysis.**
 - (i) Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system or may allow the waiving of some unnecessary peak flow controls.
 - (ii) The immediate off-site drainage system (i.e., storm sewer, culverts, ditches, detention areas) must be inspected and verified to be adequately sized to accept the stormwater runoff from the proposed developments. Upgrading of downstream infrastructure may be required.
- (9) Stormwater management system inspection and maintenance.** The components of the stormwater management system that will not be dedicated to and accepted by the city, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 4.2.18 - Inspection and Maintenance Agreements.

Section 4.2.11 - Stormwater Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements

- A.** The following provisions apply to the application process and contents of stormwater concept plans and stormwater management plans:
- (1)** Before a land development permit application is submitted, an applicant must request a pre-submittal meeting with the city. The pre-submittal meeting should take place early step in the development planning process. The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting.
 - (2)** The stormwater concept plan shall be prepared using the minimum following steps:
 - (i) Develop the site layout using better site design techniques, as applicable.
 - (ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection.
 - (iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations.
 - (3)** The stormwater concept plan shall contain:
 - (i) Common address and legal description of the site.
 - (ii) Vicinity map that includes:
 - (a) Existing conditions and proposed site layout mapping and plans (minimum scale of 1" = 50'), which illustrate at a minimum:
 - (b) Existing and proposed topography (minimum of 2-foot contours recommended),
 - (c) Perennial and intermittent streams,

- (d) Mapping of predominant soils from USDA soil surveys,
 - (e) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
 - (f) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
 - (g) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
 - (h) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
 - (i) Preliminary estimates of unified stormwater sizing criteria requirements,
 - (j) Identification and calculation of stormwater site design credits,
 - (k) Preliminary selection and location, size, and limits of disturbance of proposed best management practices,
 - (l) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
 - (m) Flow paths,
 - (n) Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages, and
 - (o) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
- (4)** The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose.

- (i) Natural Resources Inventory
 - (ii) Stormwater Concept Plan
 - (iii) Existing Conditions Hydrologic Analysis
 - (iv) Post-Development Hydrologic Analysis
 - (v) Summary Table comparing Pre- and Post development runoff rates for the 2-, 5-, 10-, 25-, 50-, and 100-year rainfall events.
 - (vi) Stormwater Management System
 - (vii) Downstream Analysis
 - (viii) Erosion and Sedimentation Control Plan
 - (ix) Landscaping Plan
 - (x) Inspection and Maintenance Agreement
 - (xi) Evidence of Acquisition of Applicable Local and Non-Local Permits
 - (xii) Determination of Infeasibility (if applicable)
- (5)** For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures:
- (i) As built Drawings
 - (ii) Hydrology Reports
 - (iii) Landscaping Plans

Section 4.2.12 - Compliance with the Approved Stormwater Management Plan

A. All development shall be:

- (1)** Consistent with the approved stormwater management plan and all applicable land disturbance permit and building permit; and

(2) Conducted only within the area specified in the approved stormwater management plan.

B. No changes may be made to an approved stormwater management plan without review and advanced written approval by the UDC administrator.

Section 4.2.13 - Right of Entry; Inspections

A. Upon presentation of identification to the developer, owner, owner's agent, operator or occupants, employees of the city may enter, during all reasonable hours, any property under proposed or existing development or construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with the provisions of this Article.

B. The city designees may inspect any drainage system within or outside of an existing drainage easement. All drainage facilities located on private property, whether dedicated to the city or not, shall be accessible at all times for city inspection. Where drainage facilities are accepted by the city for maintenance, public access easements shall be provided. Reasonable access shall be provided to all drainage easements for inspection and maintenance functions. Where an easement does not exist for the drainage system, the permission of the owner shall be obtained before entrance; however, in the event of emergency maintenance requirements, permission of the owner shall not be mandatory.

Section 4.2.14 - Inspections to Ensure Plan Compliance During Construction

A. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

(1) The date and location of the inspection;

(2) Whether the stormwater management system is in compliance with the approved stormwater management plan;

(3) Variations from the approved stormwater management plan; and

- (4) Any other variations or violations of the conditions of the approved stormwater management plan.

Section 4.2.15 - Final Inspection; As-Built Drawings and Report; Delivery of Inspection and Maintenance Agreement

- A. Upon completion of the development, the applicant is responsible for:
 - (1) Submitting as-built design report certified by a professional engineer certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis;
 - (2) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer or professional surveyor;
 - (3) Submitting a final landscaping plan for the stormwater management system; and
 - (4) Delivering to city a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.
- B. The required certification under part (1) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section 4.2.16 - Violations and Enforcement

- A. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final landscaping plan, failure to submit signed and recorded inspection and maintenance agreements, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Article 4.3 - Soil Erosion, Sedimentation and Pollution Control. To address a violation of this Article, the city shall

have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section 4.2.17 - Maintenance by Owner of Stormwater Management Systems After Effective Date of this UDC

- A.** For any stormwater management systems approved and built based on requirements predating the adoption of this ordinance and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section 4.2.18 - Inspection and Maintenance Agreements

- A.** The owner shall execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including the final landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the city. After the inspection and maintenance agreement has been signed by the owner and the city, the owner shall promptly record such agreement at owner's cost in the property record for all parcel(s) that make up the site.
- B.** The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the city. Upon any sale or transfer of the site, the new owner shall notify the city in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
- C.** The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

- (1) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the city.
 - (2) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.
- D.** In the case of single-family residential subdivisions approved after the date of adoption of the ordinance from which this section derives, the city shall assume maintenance responsibility of detention basins, via a maintenance easement and agreement across the parcel containing the facility, two years after the release of subdivision streets. Upon completion of developer maintenance, all detention basins shall have a positive slope to the outlet in order to facilitate complete drainage. Detention/retention facilities shall be designed so that they are safe and, where possible, restrict access to the public.
- E.** Those facilities in single-family residential subdivisions constructed under permits issued before the date of adoption of the ordinance from which this section derives will not be accepted for city maintenance unless such facilities are individually approved by and at the discretion of the city council, and suitable access easements are provided.

Section 4.2.19 - Right of Entry for Maintenance Inspections

- A.** The terms of the inspection and maintenance agreement shall provide for the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city's general provisions for property maintenance inspections pursuant to Article 4.3 - Soil Erosion, Sedimentation and Pollution Control.

Section 4.2.20 - Owner's Failure to Maintain the Stormwater Management System

- A.** The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to city. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:
- (1)** An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Chapter 38, Article II – Nuisances; and
 - (2)** Before issuance of a land development permit, the owner shall execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management system, including the final landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the city. After the inspection and maintenance agreement has been signed by the owner and the city, the owner shall promptly record such agreement at owner's cost in the property record for all parcel(s) that make up the site.

Section 4.2.21 - Emergency Maintenance

- A.** The UDC administrator may conduct emergency maintenance operations on private land and on drainage systems where emergency conditions exist.
- B.** Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the city.

Section 4.2.22 - Notice of Violation; Stop Work Order

- A.** Whenever the UDC administrator determines that activity on a property does not comply with the approved development and construction plans submitted pursuant to this Article, they may issue a notice of violation or a stop work order. Whenever the UDC

administrator determines that the drainage system has been unlawfully altered, causing inadequate drainage, they may issue a notice of violation or a stop work order. A stop work order or notice of violation of the provisions of this Article or of any rule or regulation adopted pursuant thereto shall be to the owner of the property or their agent and shall:

- (1) Be in writing;
- (2) Include a description of the property sufficient for identification of the location where the violation has occurred;
- (3) List the specific provisions of this Article which have been violated; and
- (4) State that, if the repairs, construction, or alterations are not completed within a reasonable time period specified by the UDC administrator, summons shall be issued for the owner to appear in municipal court.

Section 4.2.23 - Appeals

- A. An appeals board consisting of the UDC administrator and a designated representative of the Home Builder's Association shall hear and decide appeals from administrative and enforcement actions taken pursuant to this Article within 15 days of the filing of the appeal. Any person seeking a variance from the development standards of this Article shall first file a request with the appeals board, which shall make a recommendation to the mayor and city council. Any person aggrieved by a decision of the appeals board shall have the right to appeal to the mayor and city council in accordance with the jurisdictional and procedural requirements of Article 2.7 -Administration and Procedures, however, the mayor and city council shall refer to the variance procedures outlined in the regulations of Article 4.4 -, Flood Damage Prevention Ordinance. Any determination made by the appeals board or UDC administrator pursuant to this Article, including suspension, revocation or modification of permit is appealable to the mayor and city council. A hearing at which the permit holder shall be allowed to present evidence on their behalf on the matter shall be scheduled no later than 30 days after the receipt of written notice by the city.

Section 4.2.24 - Design Standards for Drainage Facilities within Subdivisions

A. Lot.

- (1) Minimum lot slope grades shall be three-tenths percent.
- (2) Side lot drainage shall be piped. Ditches on side lot lines are not permitted.

B. Pipe.

- (1) Only reinforced concrete pipe (RCP) Class III shall be used in city road rights-of-way or city-maintained drainage easements.
- (2) Driveway pipes shall be a minimum of 15 inches in diameter.
- (3) Pipes up to 36 inches in diameter shall have a flared end section; pipes larger than 36 inches in diameter shall have winged head walls or other prior approved end treatments.
- (4) Pipes of dissimilar size shall be vertically aligned with their energy grade line or shall have the crowns of the pipes set at matching elevations when similar size pipes converge at a manhole or other structure.
- (5) All pipe joints, in addition to the required rubber gaskets, shall be covered with approved geotextile material of sufficient width to be secured to the pipe and completely encircle the joint with a 50% overlap. An alternative to this proposal may be the placement of grout around each pipe joint.
- (6) Pipes located on property lines shall have a minimum depth of cover to the finish grade of 36 inches. Where such depth of cover cannot be maintained, the pipe shall be relocated in such a manner that the property owner will not be impaired in the construction of fences and other amenities normally located at such locations and a sufficient easement provided for the relocated position of the pipe.
- (7) Pipe gradients shall provide self-cleaning velocities without scour (2 - 9 fps).
- (8) The city requires the installation of reinforced concrete storm drain pipes and Georgia DOT standard drop inlets when curb and gutter is used in new subdivision roads. The spacing between drop inlets shall not exceed 300 feet. Maximum length

of pipe runs shall not exceed 300 feet. All drainage pipes shall begin and end in either inlets, manholes, or end treatments.

- (9) Only reinforced concrete pipe will be approved for drainage systems which the city will be required to maintain.

C. Curb and ditch inlets. All inlets shall be of the standard design. Curb inlets should be located at the end of corner curve radius. A drop inlet that consists of a grate on the gutter and a hood on the curb (GA DOT Standard Drop Inlet No. 1019) shall be used in the presence of a sidewalk along the road. No manhole or box cover shall be used in the sidewalk.

D. Drainage swales.

- (1) Swales with a velocity greater than five feet per second shall be paved a minimum of 2 feet wide and six inches deep.
- (2) Swales shall have a 5:1 side slopes or flatter; however, if a swale traverses a wooded site, use of a 3:1 side slope may be submitted for approval by the UDC administrator to reduce impact on trees.
- (3) Before use, drainage swales shall have sufficient vegetation to provide filtration and erosion stabilization.
- (4) Drainage pipes or gutter flow shall not discharge into a swale.

E. Maintenance. All ditch banks shall be constructed in a manner that the side slopes will not erode and can be maintained with riding grass cutting equipment. The type of soil encountered will be considered in selecting the proper slope. Side slopes flatter than 3:1 may be required if soil conditions warrant.

F. Drainage design standards, methodology and criteria. All drainage design and analysis shall be based on the city's Stormwater Management ordinance.

- (1) **Hydrologic methodology.** For computing surface runoff to size site conveyance systems, the "The Rational Method" is adopted. For detention design and culvert crossings the U.S. Department of Agriculture, Soil Conservation Service (SCS), Technical Release No. 55 FR-55; entitled "Urban Hydrology for Small Watersheds" is adopted.

(2) Drainage design storm criteria. The following design criteria shall be used for either methodology utilized for computation:

- (i) For arterial roads and above, culverts crossing beneath public roadways must be designed to pass the 100-year, 24-hour frequency storm.
- (ii) For collector roads and local roads, culverts crossing beneath public roadways must be designed to pass at least the 25-year frequency, 24-hour storm.
- (iii) For other storm water piping, except that associated with a detention pond outlet, shall be designed to pass the 25-year frequency storm. The city recommends the oversizing of stormwater piping.

(3) General requirements.

- (i) Refer to Article 4.2 - Stormwater Management for stormwater management guidance.
- (ii) An overall map of the drainage area with basin area, length, and slope information keyed to the drainage calculations.
- (iii) The calculations shall clearly show how the time of concentrations was determined.
- (iv) Pipe sizing calculations shall be checked for inlet and outlet control. Maximum headwater and tail-water conditions should be provided.
- (v) Flood plain elevations and zones for the FEMA 100-year storm shall be shown on the construction plans.
- (vi) Where FEMA flood elevation have not been determined, the applicant's engineer shall provide such elevations based on the criteria outlined in the flood damage prevention ordinance and set finish floor elevations consistent with the flood damage prevention ordinance requirements.
- (vii) Maximum basin side slopes shall be 3:1, except where soil conditions require flatter slopes.
- (viii) Wet detention basins shall have a permanent pool depth of not less than 4 feet to reduce bottom vegetation growth.

- (ix) Dry detention basin shall be secured by a permanent fence with access gates sufficient in size for maintenance equipment to pass. Dry basins must be designed with access to allow for efficient maintenance of the basin bottom and side slopes. The entity responsible for maintaining any detention basin shall be clearly identified on the preliminary and final plats.
- (x) Major drainage canals shall not be used for storage.
- (xi) Use of rectangular weir outlets will be allowed only where the weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures such as pipe-culvert combinations, perforated riser pipes, or specially graduated opening outlet control boxes, are encouraged as ways of reproducing pre-development runoff conditions. Whichever restrictive outlet device is chosen, it should be designed to reduce clogging. Round orifices smaller than 18 inches in diameter are prohibited.
- (xii) Design data for storage volume and detention outlet requirements shall be submitted and approved by the UDC administrator.
- (xiii) The principal outlet must convey the design peak flow without emergency overflow.
- (xiv) Use of concrete weirs or standpipe are preferred over undersize pipes.
- (xv) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted.
- (xvi) Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural water bodies or canals may be permitted by the UDC administrator only when a positive benefit can be demonstrated. Such approval by the city does not obviate the need for state or federal agency approval where applicable.

(4) Direct storm water discharge.

- (i) Discharges to natural water bodies. Where a specific site requires a permit to allow direct discharge into a natural water body, methods of diffusing and filtering the discharge and of reducing velocity may be required.
- (ii) Final landscape design and planting shall not work against the storm water runoff controls and drainage concepts approved as part of the construction plan approval process.
- (iii) Rip rap. Sufficient rip rap shall be provided anywhere that soil scouring will occur because of excessive runoff velocities. Other energy dissipation will be considered.

(5) Drainage easements. All drainage easements offered to the city for dedication to public use shall have a minimum width of 25 feet or as shown in Table 4.2.24-A - Required Easements for Open Channels. For underground storm drain pipes, the minimum width of the easement shall not be less than 20 feet or as shown in Figure 3.2.5-P - Easements for Storm Pipes. The applicant shall submit to the UDC administrator a request for permanent dedication of drainage systems for city maintenance. The UDC administrator shall certify that all as-built improvements so offered are in conformance with approved plans and with all prevailing city standards.

(6) Open channel. Open channel easements shall be sized in Table 4.2.24-A - Required Easements for Open Channels. The open channel shall be located in the easement to provide an adequate maintenance area on each side of the open channel. All storm drainage rights-of-way shall be reviewed by the UDC administrator and upon approval will be recorded.

Table 4.2.24-A - Required Easements for Open Channels

Maximum top width of open channel in feet	Required minimum drainage R/W in feet
5—10	30
9—15	35
16—20	40

Maximum top width of open channel in feet	Required minimum drainage R/W in feet
21—25	45
Greater than 25	As approved by UDC administrator

(7) Erosion and sediment control. Erosion and sedimentation controls shall be required on all sites. See Article 4.3 - Soil Erosion, Sedimentation and Pollution Control.

(8) Lakes, ponds, and waterways.

- (i) Artificial or natural waterways, lakes, or ponds for recreation shall not be accepted for maintenance by the city.
- (ii) Waterways, lakes, ponds, detention, or retention basins shall be maintained by either an established homeowner’s association or individual property owner(s). In either case, the final plat must indicate who will be responsible for maintenance. The city will not accept maintenance of commercial detention or retention basins.
- (iii) Private maintenance provisions must be made to the satisfaction of the UDC administrator. Placing responsibility on the owner(s) of the property where the feature is located is allowed, if suitable notes and easements are provided on the final plat and other legal instruments.

ARTICLE 4.3 - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Section 4.3.1 - Title

- A. This Article will be known as "City of Statesboro Soil Erosion, Sedimentation and Pollution Control Ordinance."

Section 4.3.2 - Definitions

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated:

Best management practices (BMP's). These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board means the board of natural resources.

Buffer means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means certified professional in erosion and sediment control with current certification by Certified Professional in Erosion and Sediment Control, Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department means the Georgia Department of Natural Resources (DNR).

Design professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Director means the director of the environmental protection division or an authorized representative.

District means the Ogeechee River Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the department of natural resources.

Drainage structure means a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in Section 4.3.4 -C.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface before cutting or filling.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but

not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 4.3.3 -A(5).

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI means a notice of intent form provided by EPD for coverage under the state general permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator means the party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this Article.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or phased means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized before completing construction activities on the entire construction site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Soil and water conservation district approved plan means an erosion, sedimentation and pollution control plan approved in writing by the Ogeechee River Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit means the national pollution discharge elimination system (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the wildlife resources division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

UDC administrator. The city official authorized by the city manager to administer the portions of this UDC that do not constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq , or their designee.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging, or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 4.3.3 - Exemptions

- A.** This Article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:
- (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968".
 - (2) Granite quarrying and land clearing for such quarrying;
 - (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

- (4) The construction of one-household dwellings, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For one-household dwelling construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;
- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Section 4.3.4 -C(15) and Section 4.3.4 -C(16), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the

forestry practices were conducted for a period of three years after completion of such forestry practices;

- (7)** Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (8)** Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this Section;
- (9)** Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (11) Any public water system reservoir.

Section 4.3.4 - Minimum Requirements for Erosion Sedimentation and Pollution Control Using Best Management Practices

- A. General provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 4.3.4 -B and Section 4.3.4 -C. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution

during all stages of any land-disturbing activity in accordance with requirements of this Article and the NPDES general permit.

B. Minimum requirements/BMPs.

- (1)** Best management practices as set forth in Section 4.3.4 -B and Section 4.3.4 -C shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this Subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this Subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
- (2)** A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to Subsection O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of one-household dwellings which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3)** Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

- (4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
 - (5) The LIA may set more stringent buffer requirements than stated in Section 4.3.4 - C(15) and Section 4.3.4 -C(16), in light of O.C.G.A. § 12-7-6(c).
- C.** The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (1) Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;
 - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 - (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 4.3.4 -B(2);
- (15) Except as provided in paragraph (16) of this Subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of

water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a one-household dwelling, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - (ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- (16)** There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream

landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a one-household dwelling, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - (ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- D.** Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 4.3.4 -B and Section 4.3.4 -C.
- E.** The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

Section 4.3.5 - Application/Permit Process

- A. General.** The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this Article, and other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. Application requirements.**
- (1)** No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the city without first obtaining a permit from the Public works and engineering department to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
 - (2)** The application for a permit shall be submitted to the UDC administrator and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 4.3.5 -C. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of Section 4.3.4 -B and Section 4.3.4 -C will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site before creation of the plan in accordance with EPD Rule 391-3-7-.10.
 - (3)** In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid before issuance of the land

disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

- (4)** Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of a district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by Section 4.3.4 -C(15) and Section 4.3.4 -C(16) has been obtained, all fees have been paid, and bonding, if required as per Section 4.3.5 -B(6), have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.
- (5)** If a permit applicant has an existing uncorrected violation(s), or has had two or more violations of previous permits under this Article or the Erosion and Sedimentation Act, as amended, within three years before the date of filing the application under consideration, the local issuing authority may deny the permit application.
- (6)** The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, before issuing the permit. If the applicant does not comply with this Section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity

and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. Plan requirements.

- (1) Plans must be prepared to meet the minimum requirements as contained in Section 4.3.4 -B and Section 4.3.4 -C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this Article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (2) Data required for site plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. Permits.

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid before permit issuance. The permit shall include conditions under which the activity may be undertaken.

- (2) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Article, any variances required by Section 4.3.4 -C(15) and Section 4.3.4 -C(16) are obtained, bonding requirements, if necessary, as per Section 4.3.5 -B(6) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (5) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or their successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or their successor in title is in violation of this Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (6) The LIA may reject a permit application if the applicant has an existing uncorrected violation(s), or has had two or more violations of previous permits, this Article, or the Erosion and Sedimentation Act permit requirements within three years before the date of the application, or in light of O.C.G.A. § 12-7-7(f)(1).

Section 4.3.6 - Inspection and Enforcement

- A. The UDC administrator will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate both primary, secondary and tertiary permittees as such terms are defined in the state

general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article.

- B.** The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C.** The UDC administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D.** No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.
- E.** The districts or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The districts or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

- F.** The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.

Section 4.3.7 - Penalties and Incentives

- A. Failure to obtain a permit for land-disturbing activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of their business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.
- B. Stop-work orders.**
- (1)** For the first and second violations of the provisions of this Article, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

- (2) For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and;
- (3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or their designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or their designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article and, in addition to other penalties, shall be deemed to have forfeited their performance bond, if required to post one under the provisions of Section 4.3.5 -B(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary penalties.

- (1) Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this Article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Article, notwithstanding any

provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Article under county ordinances approved under this Article shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 4.3.8 - Education and Certification

- A.** Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B.** For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C.** Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Article.
- D.** If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in

O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 4.3.9 - Administrative Appeal and Judicial Review

- A. Administrative remedies.** The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the mayor and city council within 15 days after receipt by the local issuing authority of written notice of appeal.
- B. Judicial review.** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting their administrative remedies, shall have the right to appeal denovo to the Superior Court of Bulloch County.

Section 4.3.10 - Effectivity, Validity, and Liability

- A. Effectivity.** This Article shall become effective on the 7th day of July, 2010.
- B. Validity.** If any Section, paragraph, clause, phrase, or provision of this Article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Article.
- C. Liability.**
 - (1)** Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
 - (2)** The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

- (3)** No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

ARTICLE 4.4 - FLOOD DAMAGE PREVENTION ORDINANCE

Section 4.4.1 - Statutory Authorization, Findings of Fact, Purpose, and Objectives

- A. Authorization.** Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Statesboro, Georgia, does ordain as follows.
- B. Findings of fact.**
- (1) The flood hazard areas of Statesboro, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
- C. Statement of Purpose.** It is the purpose of this Chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
 - (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
 - (3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
 - (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

D. Objectives. The objectives of this Chapter are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions; and,
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

Section 4.4.2 - General Provisions

A. Lands to which this Chapter applies. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Statesboro, Georgia.

B. Basis for area of special flood hazard.

- (1) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated August 5, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Chapter.
- (2) For those land areas acquired by a municipality through annexation, the current effective FIS dated August 5, 2010, with accompanying maps and other supporting data and any revision thereto, for Bulloch County are hereby adopted by reference.
- (3) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located at the public works and engineering department.

- C. Establishment of development permit.** A development permit shall be required in conformance with the provisions of this Chapter before the start of any development activities.
- D. Compliance.** No structure or land shall hereafter be located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.
- E. Abrogation and greater restrictions.** This Chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation.** In the interpretation and application of this Chapter all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body, and;
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and disclaimer of liability.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of city or by any officer or employee thereof for any flood damages that result from reliance on this Chapter, or any administrative decision lawfully made hereunder.
- H. Penalties for Violation.** No structure shall hereafter be constructed, located, extended, converted, or altered, or substantial improvement undertaken, without full compliance with the terms and provisions of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with such conditions, shall constitute a misdemeanor. Any person who violates this Chapter, or fails to comply with any of its requirements, shall, upon conviction thereof, be punished

as provided in section 1-12 of the Code of Ordinances of the City of Statesboro, Georgia, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 4.4.3 - Administration

- A. Designation of Chapter administrator.** The UDC administrator is hereby appointed to administer and implement the provisions of this Chapter.
- B. Permit procedures.** Application for a development permit shall be made to the UDC administrator on forms furnished by the community before any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(1) Application stage.

- (i) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (ii) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;
- (iii) Design certification from a registered professional engineer or architect that any proposed nonresidential flood-proofed structure will meet the flood-proofing criteria of Section 4.4.4 -B(2), said certification shall be provided via the current version of FEMA's Elevation Certificate or Dry Flood Proofing Forms, as applicable;
- (iv) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction stage.

- (i) For all new construction and substantial improvements, the permit holder shall provide to the UDC administrator an as-built certification of the regulatory floor

elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- (ii) Any work undertaken before submission of these certifications shall be at the permit holder's risk.
- (iii) The UDC administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and before further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and responsibilities of the UDC administrator. Duties of the UDC administrator shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this Article have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When base flood elevation data or floodway data have not been provided in accordance with Section 4.4.2 -B, then the UDC administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources in order to administer the provisions of Section 4.4.4 - Provisions for Flood Hazard Reduction.

- (5)** Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Section 4.4.3 -B(2).
- (6)** Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Section 4.4.3 -B(2).
- (7)** When flood-proofing is utilized for a structure, the UDC administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 4.4.3 -B(1)(iii) and Section 4.4.4 -B(2) or Section 4.4.4 -D(2).
- (8)** Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (9)** Notify adjacent communities and the Georgia Department of Natural Resources before any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (10)** For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (11)** Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the UDC administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (12)** All records pertaining to the provisions of this Chapter shall be maintained in the office of the UDC administrator and shall be open for public inspection.

Section 4.4.4 - Provisions for Flood Hazard Reduction

A. General standards. In all areas of special flood hazard the following provisions are required:

- (1)** No development shall be allowed within the floodplain that could result in any of the following:
 - (i) Reducing the base flood storage capacity;
 - (ii) Changing the flow characteristics as to the depth and velocity of the waters of the base flood as they pass both the upstream and downstream boundaries of the development area; or,
 - (iii) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Compensatory storage.** Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and lie within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided by excavating below the elevation of the stream channel. Compensatory grading plan shall be submitted to UDC administrator for review.
- (3)** New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (4)** New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (5)** New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (6) Elevated buildings.** All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or

flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

- (i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and,
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - (ii) So as not to violate the "lowest floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
 - (iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (7)** All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (8)** Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (9)** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (12) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

B. Specific standards. In all areas of special flood hazard the following provisions are required:

- (1) **New construction and/or substantial improvements.** Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation.
 - (i) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Section 4.4.4 - A(6).
 - (ii) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
- (2) **Nonresidential construction.** New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above,

and shall provide such certification to the official as set forth above and in Section 4.4.3 -C(6).

(3) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:

- (i) All manufactured homes placed and/or substantially improved on: (i) individual lots or parcels, (ii) in new and/or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
- (ii) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- (iii) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Reference Section 4.4.4 -A(8).)
- (iv) All recreational vehicles placed on sites must either:
 - (a) Be on the site for fewer than 180 consecutive days.
 - (b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

- (c) The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of Section 4.4.4 -B(3)(i) and Section 4.4.4 -B(3)(iii).

(4) Floodway. Located within areas of special flood hazard established in Section 4.4.2 -B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (i) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (ii) Only if Section 4.4.4 -B(4)(i) is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 4.4.4 - Provisions for Flood Hazard Reduction.

C. Building standards for streams without established base flood elevations and/or floodway (A-Zones). Located within the areas of special flood hazard established in Section 4.4.2 -B, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (1)** When base flood elevation data or floodway data have not been provided in accordance with Section 4.4.2 -B, then the UDC administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 4.4.4 - Provisions for Flood Hazard Reduction. Only if data are not available from these sources, then the following provisions (2) and (3) shall apply:

- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one-foot increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 4.4.4 -A(6).
 - (i) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than 3 feet above the highest adjacent grade at the building site.
 - (ii) The UDC administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

D. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways. Located within the areas of special flood hazard established in Section 4.4.2 -B, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The

engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 4.4.4 -B.

E. Standards for areas of shallow flooding (AO Zones). Areas of special flood hazard established in Section 4.4.2 -B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to 3 feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 3 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 4.4.4 -A(6). The UDC administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a nonresidential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Section 4.4.3 -B(1)(iii) and Section 4.4.3 -B(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

F. Standards for subdivisions.

- (1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

G. Standards for critical facilities.

- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Section 4.4.5 - Variance Procedures

A. Variance procedures.

- (1) The mayor and city council (appeals board) shall hear and decide requests for appeals or variance from the requirements of this Article.
- (2) The appeals board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the UDC administrator in the enforcement or administration of this Article.

- (3) Any person aggrieved by the decision of the appeals board may appeal such decision to the Superior Court of Bulloch County as provided in O.C.G.A. § 5-4-1.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the appeals board shall consider all technical evaluations, relevant factors, and all standards specified in this and other Sections of this Chapter.
- (8) Conditions for variances:
 - (i) A variance shall be issued only when there is:
 - (a) A finding of good and sufficient cause,
 - (b) A determination that failure to grant the variance would result in exceptional hardship, and;
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (ii) The provisions of this Chapter are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a

historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (iii) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (iv) The UDC administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (9) Upon consideration of the factors listed above and the purposes of this Article, the appeals board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

Section 4.4.6 - Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

Accessory structure means a structure having minimal value and used for parking, storage and other non habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

Appeal means a request for a review of the UDC administrator's interpretation of any provision of this Chapter.

Area of shallow flooding means a designated AO or AH Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to 3 feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in Section 4.4.2 -B.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (4) Generating plants, and other principal points of utility lines.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" began before May 15, 1980.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before May 15, 1980.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Flood-proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface, before construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior, or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or

storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" began after May 15, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" began after May 15, 1980 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after May 15, 1980.

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

Recreational vehicle means a vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: Accessory structures are NOT exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas, or liquid storage tank.

Subdivision means the division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost

equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement.

- (1) NOTE: The market value of the structure should be (1) the appraised value of the structure before the start of the initial repair or improvement, or (2) in the cast of damage, the value of the structure before the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.
- (2) For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the UDC administrator, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement began.

UDC administrator. The city official authorized by the city manager to administer the portions of this UDC that do not constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq , or their designee.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this Chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

Chapter 5. Definitions

ARTICLE 5.1 - GENERAL PROVISIONS

Section 5.1.1 - Interpretations

- A. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this UDC to have the meanings indicated in this Article. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof"; the word "occupy" includes the words "designed or intended to be occupied"; the word "use" includes the words "arranged, designed or intended to be used" and the word "shall" is always intended to be mandatory when capable of such interpretation.

Section 5.1.2 - Applicability

- A. **Definitions for zoning and subdivision Chapters.** The definitions provided in Article 5.2 - Definition of Terms apply to the terms used in Chapter 1 - General Provisions through Chapter 3 - Subdivisions, unless otherwise stated.
- B. **Definitions for telecommunications towers and antennas.**
- (1) The definitions provided in Section 2.4.11 - Telecommunications Antennae and Towers shall apply only to Section 2.4.11 - Telecommunications Antennae and Towers.
 - (2) For the purposes of Section 2.4.11 - Telecommunications Antennae and Towers, the definitions provided therein shall prevail in case of conflict with other definitions.
 - (3) Terms that are not defined within Section 2.4.11 - Telecommunications Antennae and Towers shall have their meaning as defined per Article 5.2 - Definition of Terms.
- C. **Definitions for environmental Chapter.** The definitions provided in Article 5.2 - Definition of Terms shall not apply to the terms used in Chapter 4 - Environment.

Section 5.1.3 - Abbreviations

The following abbreviations appear in this UDC.

Abbreviation	Full Term
AASHTO	American Association of State Highway Transportation Officials
avg.	Average
DBH	Diameter at Breast Height
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
ft.	Feet/foot
GDOT	The Georgia Department of Transportation
LED	Light-emitting diode
max.	Maximum
min.	Minimum
O.C.G.A.	Official Code of Georgia Annotated
sf.	Square feet
ROW	Right-of-way

ARTICLE 5.2 - DEFINITION OF TERMS

Section 5.2.1 - "A" Terms

Accessory building. A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

Accessory dwelling unit. A **dwelling unit** that is located on the same **lot** as a separate dwelling unit. This definition includes dwelling units that are within the **principal building** and dwelling units that are within an **accessory building** on the property of a principal building.

Accessory use. A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

Adult entertainment businesses. Those uses defined as adult entertainment establishments in [Chapter 18 Article VII](#) of the City of Statesboro Code of Ordinances.

Agencies, studios, and associated classrooms. A type of business or professional office use that includes agencies, studios, and associated classrooms for the creation or production of music, art, modeling, and photography.

Aggregate sign area. The combined sign area of all signs regardless of whether or not the signs require a permit or, where specified, all signs of a particular category, on a single parcel. For example, the aggregate sign area of all freestanding signs on a parcel is the sum total of the sign areas of all freestanding signs on such parcel.

Agriculture uses. The cultivating of the soil and the raising and harvesting of the products of the soil, including, but not by way of limitation, nursery, horticulture, forestry and animal husbandry.

Air and gas filled device. Any sign using, either wholly or in part, forced air or other gas as means of supporting its structure.

Alley. A narrow thoroughfare dedicated or used for public passageway with right-of-way up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.

Alteration. An alteration, as applied to a building, is any change or rearrangement in the structural parts, or any enlargements, whether by extending on any side or by increasing in height or adapting in any way to a different use, or moving from one location or position to another, or in the case of nonconforming use, any structural change which would prolong the life of such use.

Amenity space. Any at-grade outdoor area of at least 100 square feet intended for use by the residents of the development and their guests, but not for the exclusive use of an individual dwelling unit. Amenity space specifically excludes required sidewalks, stream buffers, zoning buffers, stormwater facilities, and natural water bodies. Amenity space may include, but is not limited to, the following spaces: playgrounds, pool areas, tennis courts, basketball courts, other sports courts, community lawns, community gardens, hardscape areas improved for pedestrian enjoyment, splash pads, walking trails, dog parks, and wooded areas.

Amusement establishments, indoor. A category of commercial and office uses that includes businesses involved recreation-oriented activities in an indoor setting. Unless otherwise prohibited, such businesses may include but are not limited to: bowling alley; indoor skating rink; and indoor theater.

Amusement establishments, outdoor. A category of commercial and office uses that includes businesses involved recreation-oriented activities in an outdoor setting. Unless otherwise prohibited, such businesses may include but are not limited to: amusement parks; drive-in theaters; golf driving ranges; outdoor skating rinks; and outdoor theaters.

Applicant.

- (1) Any person seeking to install a pre-owned manufactured home in the incorporated area of the city.
- (2) Any person seeking a permit or approval established by or administered through this UDC.

Architectural features. Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Artisan manufacturing. A type of use engaged in the manufacturing, assembly, and creation of goods primarily by hand and with small-scale machines that do not produce noise, dust, or odors discernable to the average person outside of the property on which the use is operated.

Section 5.2.2 - "B" Terms

Bar. A commercial establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises and meets the definition of a bar contained in Chapter 6 of the Statesboro Code of Ordinances. See also, **tavern**.

Bank or credit union. An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds. Such services include providing savings and checking accounts to customers.

Bay window. A window assembly whose maximum horizontal projection is not more than two (2) feet from the vertical plane of an exterior wall and is elevated above the floor level of the building.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Block. A parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways, or by a combination thereof.

Block face. One side of a street between two consecutive street intersections; or one side of a street between an intersection and the end of the street, in the case of a dead-end street. A corner lot shall only be considered part of a given block face if its longest frontage is along the given block face. Where a corner lot has the same length of frontage along multiple streets, the property shall be considered part of the block face to which it is addressed.

Buffer. A strip at least 10 feet wide, densely planted with shrubs and/or trees at least 3 feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compacted evergreen planting screen capable of growing to a height of at least 6 feet within three years. A landscaping plan identifying all plants to be incorporated in the buffer strips must be approved by the zoning administrator before any site construction. The zoning administrator may require additional planting to acquire a uniform buffer strip.

Buildable area. That portion of any lot which may be used or built upon once various setback requirements have been subtracted and in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side and rear yard requirements required for the district have been subtracted from the total lot area.

Building. Any **structure** that has enclosing walls and roof, permanently located on the land.

Building: heritage building or historic building. Any of the following:

- (1) A building or portion of a building constructed before 1945, according to the records of the Bulloch County Tax Assessor's Office, Sanborn Maps, official building permit data, or other verifiable sources as approved by the zoning administrator.
- (2) A building, site, or portion thereof that is listed as a contributing resource to a National Register of Historic Places district or individual listing.

Building, principal. A building in which is conducted the principal use of the lot on which it is situated. Lots with multiple principal uses may have multiple principal buildings.

Building area. The aggregate of the maximum horizontal cross section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, caves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, porte-cochere or carport open on three sides and not more than 14 feet high and 20 feet in length, steps and balconies.

Building line. The line which establishes the minimum depth of front yard for the particular district as measured from the street line.

Building site. The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

Section 5.2.3 - "C" Terms

Canopy or awning. A structure made of cloth, metal, or other material affixed to a building and/or supported by the ground. This definition does not include **marquee**.

Certificate of occupancy. A document issued by the **chief building official** certifying that a manufactured home is in compliance with applicable requirements set forth by this Article and indicating it to be in a condition suitable for occupancy.

Certified document. A survey, sketch plat, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

Chief building official. The person appointed, employed, or otherwise designated as the zoning administrator, permits and inspections; the city building official or any of their assistants.

City. The City of Statesboro, Georgia.

City manager. The City of Statesboro City Manager or their designee.

Compatibility. With regard to buildings: achieving harmony in appearance of architectural features in the same vicinity.

Comprehensive plan. The current adopted comprehensive plan of the City of Statesboro, GA, including maps, charts, and descriptive matter officially adopted by the mayor and city council showing recommendations for the most appropriate use of land and for the most desirable density of population.

Condominium (building). A building containing two or more attached individually owned dwelling units and related, jointly owned, common areas under condominium or cooperative ownership.

Correctional or penal institution. A facility providing housing and care for individuals legally confirmed for violations of law including a prison, jail, reformatory, or detention center. This definition includes institutions that are publicly owned and/or privately owned but licensed or regulated by a public office.

Cottage court. A type of use that accommodates three to nine detached dwelling units organized around a shared internal courtyard. Such a use does not include attached dwelling units.

Clinics and medical offices. Healthcare facilities that provide medical care to patients on an outpatient basis. Clinics and medical offices may specialize in a specific medical field, may be owned or operated by one or a few physicians, and may provide primary care services or specialist medical services. Clinics and medical offices may offer a variety of healthcare services including laboratory testing, diagnostic imaging, physical therapy, and diagnosis,

treatment, prevention, and management of illness and disease. Examples of clinics and medical offices include but are not limited to dentists, therapists, pediatricians, and opticians.

Creek on the blue mile. An existing or planned multi-use trail or pedestrian walkway primarily running along Little Lott Creek.

Customer service area. Any portions of an establishment that are not restricted from access by customers, clients, patients, patrons, and/or visitors. (E.g., the sales floor and public bathrooms of a store; the hair dresser booths of a salon; the public spaces of a museum; the elevator lobbies and pay stations of a parking garage; the auditorium and hallways of a performance hall.) This definition does not include parking spaces, drive aisles, driveways, or other spaces reserved for parking or maneuvering vehicles.

Section 5.2.4 - "D" Terms

Day-care center. As defined in OCGA Section 37-6-1: Any facility that is operated and maintained for and is qualified to furnish care and training to individuals with developmental disabilities on less than a 24-hour basis.

Day care center. Any place operated by a person, society, agency, institution, or group wherein are received for pay group day care for fewer than 24-hours per day without transfer of legal custody of 19 or more children 18 years old or under.

Day care, family child care home. A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, three but not more than six children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

Day care, group. Any place operated by a person, society, agency, institution, or group who receives therein for pay for supervision and care fewer than 24 hours per day not less than seven nor more than 18 children under 18 years of age.

Density. The permitted number of dwelling units per gross acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Chapter are expressed in terms of dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds, or other public uses.

Diameter at breast height. The diameter of a tree measured as described in Section 2.1.4 - Rules of Measurement.

Director. The Director of Planning & Development or their designee, unless otherwise indicated.

Dormer. A window projecting from a roof.

Dwelling. A **building** designed for and occupied exclusively for residential purposes, including **hotel, rooming house, short-term rental**, institutional home, residential club, motor court, and the like.

- (1) **Dwelling: Ground-floor (accessory).** A portion of a building, other than its nonresidential uses along street-fronting elevations, in which the dwelling portion of the building provides complete housekeeping facilities for a household.
- (2) **Dwelling: Multi-household.** A building, not a **one-household dwelling, two-household dwelling**, or **townhouse dwelling**, designed for and occupied exclusively for dwelling purposes by three or more households living independently of one another.
- (3) **Dwelling: One-household.** A building designed for and occupied exclusively as a dwelling for one household.
- (4) **Dwelling: Townhouse.** A building designed for and occupied exclusively for dwelling purposes by three or more units living independent of one another and where each dwelling unit is attached to another unit and separate from it vertically by a common side wall, and where no dwelling unit is located above or below another dwelling unit.
- (5) **Dwelling: Two-household.** A building designed for and occupied exclusively as a dwelling for two households.
- (6) **Dwelling: Upper-floor.** A portion of a multi-story building other than the ground floor that provides complete housekeeping facilities for a household.

Dwelling unit. A building or portion thereof providing complete housekeeping facilities for one household, including provisions for living, sleeping, eating, cooking, and sanitation.

Section 5.2.5 - "E" Terms

Easement. A grant of a strip or a parcel of land to the general public, a corporation, or certain person for use for a specific purpose. No vertical construction of any kind is permitted in or upon easements, except that required in connection with the designated use.

Eating establishments. A commercial establishment where food and beverages are prepared and served for consumption on or off the premises and where food sales constitute a minimum of 50% of the gross sales receipts for food and beverages. This definition includes restaurants, cafeterias, and fast-food facilities. This definition does not include **bars, taverns, or retail establishments.**

Eave. The projecting lower edges of a roof overhanging the wall of a **building.**

Educational facility. Establishments for instruction and education including elementary, middle, and high schools, colleges, and universities. This definition does not include **correctional or penal institutions.**

Engineer. A person being licensed by the State of Georgia as a registered professional engineer, capable of determining the correct manner in which to construct roads, streets, highways, water and sewage systems, drainage systems, structures or other technical related areas and as legally described by the laws of the State of Georgia.

Event facility. A facility or assembly hall available for lease by private parties or special events, such as weddings, birthdays, family reunions, meetings or conferences, and similar events.

Section 5.2.6 - "F" Terms

Family child care learning home. As defined in [OCGA Section 20-1A-2](#): a private residence operated by any person who receives therein for pay for supervision and care less than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 13 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood plain. The definition for special flood hazard area.

Flood prone areas. The land that is usually flooded whenever a rise in the water level of a creek, stream, river or other body of water is experienced or when there is an unusual and rapid accumulation or runoff of surface waters from any source. That land adjacent to a creek designated as a flood plain or flood prone area by a governmental agency, such as FEMA.

Fuel Sales. A facility including tanks, piping, and related equipment that is used for the storage, sale, and dispensing of petroleum gas.

Funeral home or mortuary. An establishment for the preparation and display of the deceased for burial, and/or the preparation and display of the deceased for cremation, including services provided to assemblies of people in connection with the burial or cremation of the deceased.

Section 5.2.7 - "G" Terms

Garage. A structure used for the storage of a motor vehicle, or a structure used to service or repair a motor vehicle.

- (1) Garage: Private garage.** An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two vehicles owned and used by persons other than the owner or tenant of the premises. Not more than two commercial vehicles or trucks may be stored in a private garage.
- (2) Garage: Public garage.** A **building**, other than a **private garage** or **storage garage**, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.
- (3) Garage: Storage garage.** See **parking garage**.

Gasoline service station. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

Ground story. The lowest story above grade within a building.

Group development. A development comprising two or more principal structures, whether in single, condominium, or diverse ownership built on a single lot, tract or parcel of land and

designed for occupancy by separate families, firms, businesses or other enterprises. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owner's association or similar group.

Governing authority. The mayor and city council members of the City of Statesboro.

Group home. A residential care facility in which:

- (1) The operator is not legally related to the individuals supervised and is licensed by the State of Georgia to provide community alternatives in a residential environment to institutional care for individuals in need of such care; and
- (2) More than four persons reside, including operators, supervisors, and individuals under care; and
- (3) Such individuals are provided with room, board, personal, physical care and supervision in a family environment. The term "group home" includes, without limitation by reason of enumeration, home as established under the "Community Services Act for the Mentally Retarded" (Ga. Laws 1972, page 700), and other homes of similar intention and purpose; but does not include facilities housing persons convicted of crimes but not housed in penal institutions.

Section 5.2.8 - "H" Terms

Health care facilities. A category of institutional uses that provide medical services to individuals or groups of individuals. Unless otherwise prohibited, such uses include **clinics and medical offices**, and **hospitals**.

Height of building. A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points on the roof.

Home occupation. An occupation for gain or support conducted only by members of a household residing on the premises and conducted entirely within the dwelling, providing that no Article is sold or offered for sale except such as may be produced by members of the household residing on the premises.

Hospital. An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis and/or treatment for injury, illness, pregnancy, or disability.

Hotel. A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for ten or more persons.

Household. This definition does not include any organization or institutional group. This definition includes any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (1) A person living alone.
- (2) Any number of persons that are related by blood, marriage, adoption, guardianship, foster, or other duly authorized custodial relationship, plus two unrelated persons.
- (3) Two unmarried persons, plus any parents, children, or siblings related to either.
- (4) A maximum of three unrelated persons.

Section 5.2.9 - "I" Terms

Industrial uses, heavy. Facilities that involve dangerous, noxious, or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation, or any other likely cause. Heavy industrial uses include, but are not limited to, the following:

- (1) Animal processing, packing, treating and storage, livestock or poultry slaughtering, production of lumber, explosives, fireworks, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
- (2) Bottling plant.
- (3) Bulk fuel sales.
- (4) Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
- (5) Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
- (6) Concrete batch plant.
- (7) Petroleum, liquefied petroleum gas and coal products and refining.

- (8) Prefabricated building manufacturing.
- (9) Sawmill, log production facility, lumberyard.
- (10) Rubber and plastic products, rubber manufacturing.

Industrial uses, light. Facilities conducting light manufacturing operations within a fully-enclosed building and that consistently meets the specific use standards of Section 2.4.6 - Light Industrial Uses. Light industrial includes, but is not limited to, the following:

- (11) Assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including, but not limited to, clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.
- (1) Brewery, winery, distillery.
- (2) Clothing, textile or apparel manufacturing.
- (3) Furniture upholstery installation or reupholstery.
- (4) Micro-producers.
- (5) Motion picture studio.
- (6) Pharmaceutical or medical supply manufacturing.
- (7) Recreational equipment manufacturing.
- (8) Sheet metal, welding, machine shop, tool repair.
- (9) Toy manufacturing.
- (10) Woodworking, cabinet makers or furniture manufacturing.

Install. Regarding manufactured homes: To construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

Institutional residential. An umbrella term that encompasses the following uses as defined below: assisted living community, independent living, intermediate care home, nursing home, personal care home and skilled nursing care facility.

- (1) Institutional residential: Assisted living community.** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication.
- (2) Institutional residential: Independent living.** Adults at least 55 years of age or older living within multi-household rental properties with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting. There are no licensed skilled nursing beds on the property.
- (3) Institutional residential: Intermediate care home.** A facility that admits residents on medical referral only, and includes the provision of food, and special diets when required, shelter, laundry, and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.
- (4) Institutional residential: Nursing home.** A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.
- (5) Institutional residential: Skilled nursing care facility.** A facility that admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system,

preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (i) The administration of oral or injectable medications which cannot be self-administered. Other include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures; and
- (ii) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient’s treatment regimen.

Section 5.2.10 - “J” Terms

Junkyard. Included in the **vehicle-related establishments** use category: a lot, structure, or part thereof, used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Jurisdiction. The incorporated area of the City of Statesboro, Georgia.

Section 5.2.11 - “K” Terms

[Reserved]

Section 5.2.12 - “L” Terms

Laundry or dry-cleaning establishment. A type of **service establishment** where customers wash and dry clothing and other fabrics in machines operated by the customer, or where employees process clothing and other fabrics for cleaning using organic solvents without water.

Live/work unit. A combination **dwelling unit**/commercial unit which allows a person or persons to reside and operate a commercial enterprise within the unit.

Loading space. A space, accessible from a street or way, in a building or a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

Lodging establishments. Any structure or any portion of a structure containing guest rooms, and which is occupied or is intended or designed for occupancy by paying guests, whether rent

is paid in money, goods, labor, or otherwise. Such structures include any lodging house, dormitory, studio hotel, motel, truck stop, lodge, inn, time-share or other condominium, apartment community, public club, or private club. This definition does not include any **hospital, short-term rental**, asylum, sanitarium, orphanage, jail, prison, or other buildings in which human beings are housed and detained under legal restraint.

Lot. A parcel of land which is occupied, or is to be occupied, by one principal building or other structure or use, together with any accessory buildings or structures or uses customarily incidental to such principal building or other structure or use, and any such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance. A lot may also be any piece or parcel of land, of which the boundaries have been established by a legal instrument of record and meet the requirements of the UDC.

- (1) **Lot: Corner lot.** A lot situated at the intersection of two or more streets, having an angle of intersection of not more than 135 degrees.
- (2) **Lot: Double frontage lot.** A lot that has frontage along two streets which do not intersect at the boundaries of the lot.
- (3) **Lot: Interior lot.** A lot other than a corner lot or of double frontage lot.
- (4) **Lot, reverse frontage.** A lot having frontage on two or more public streets, the access of which is restricted to one street.
- (5) **Lot: Through lot.** See **double frontage lot**.

Lot area. The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street line only.

Lot line. A property boundary line of any lot held in single or joint ownership, except that in the case of any lot abutting a public or private right-of-way, the lot line for such portion of the lot as abuts the right-of-way shall be deemed to be the same as the street line and shall not be the centerline of the street, or any other line within the public or private right-of-way even though such may be the property boundary line.

Lot line, front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this Chapter, provided it is so designated by the building plans which meet the approval of the zoning administrator and UDC administrator.

Lot line, rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the zoning administrator and UDC administrator.

Lot line, side. A side lot line is any lot boundary line, not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

Section 5.2.13 - "M" Terms

Manufactured home. As defined in [OCGA Sec. 8-2-121](#): A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electric systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42, U.S.C. Section 5401, et seq.

Manufactured home community. This is also referred to as a mobile home park. As defined in [OCGA Sec. 44-14-349](#): A parcel or tract of land on which three or more manufactured homes or mobile homes are located on a continual, nonrecreational basis and offered to the public.

Marquee. A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, but not supported by the ground, and constructed of durable material to provide protection from the weather.

Mayor and city council. The mayor and/or city council of the City of Statesboro.

Metes and bounds description. A method of property description provided by a certified surveyor whereby properties are described by means of their direction and distances from an easily identifiable location or point.

Motor court or motel. A building and/or a group of two or more detached or semidetached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

Mobile home. As defined in [OCGA Sec. 8-2-131](#): A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and manufactured before June 15, 1976.

Modular or industrialized building. As defined in [OCGA Sec. 8-2-111](#): Any structure or component thereof which is designed within the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. As defined in [OCGA Sec. 8-2-111](#): Component means any assembly, subassembly, or combination of parts for use as part of a building, which may include structural, electrical, plumbing, mechanical, and fire protection systems and other systems affecting health and safety. See also: **residential industrialized building**.

Municipal, county, state, or federal uses. Any offices and uses established for and/or operated by a public agency of municipal, county, state, or federal government. For the purposes of use permissions within this Code, this definition excludes **correctional or penal institutions** and **sanitary landfills**, even if such uses would be established for and/or operated by a public agency.

Section 5.2.14 - "N" Terms

Natural grade level. The lower of (A) the existing grade level before construction, or (B) the proposed new post-construction grade level, exclusive of any filling, berming, mounding, or excavating for the purpose of locating a **Sign** or **Structure**.

Newspaper publishing or job printing. Commercial printing of items including newspapers, letterheads, circulars, invitations, postcards, and similar or related materials.

Nonconforming. A building or other structure, use or lot, which by reason of design, size or use, does not conform with the requirements of the district, or districts, in which it is located.

Section 5.2.15 - "O" Terms

Official city trail. Any of the following:

- (1) An existing paved multi-use trail, such as the S and S Greenway Trail or the Willie McTell Trail; or
- (2) An existing paved pedestrian walkway with its own off-street alignment and specifically excluding sidewalks along public streets; or
- (3) A multi-use trail or walkway listed in (1) or (2) above that has not been built but is identified in a plan that has been adopted, accepted, approved, funded, or otherwise officially endorsed by the city.

Outparcel. Individual retail sites in a shopping center. The square footage of outparcels must be at least 20,000 square feet.

Section 5.2.16 - "P" Terms

Parcel. See **lot**.

Parks or playgrounds. An area open to the public that is reserved for recreational or scenic purposes.

Parking garage. A **building** or portion thereof, other than a **private garage** or **public garage**, one or more stories in height, used solely for the storage of motor vehicles (other than trucks), but not for the sale, service, or repair thereof, nor for the sale of fuel, accessories, or supplies. This definition does not include **parking lots**.

Parking lot. A group of parking spaces at grade level that are not part of a **storage garage**. This definition does not include **junkyards**.

Parking space. A reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide, when measured perpendicular to its longest side, and having a surface area of not less than 190 square feet exclusive of passageways or other means of circulation or access.

Pennant. Any lightweight fabric or other similar material, message or no message, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Performance standards. Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

Person. Any individual, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

Personal services facilities. A category of person-to-person non-medical service businesses including beauty salons; tanning facilities; barbershops; nail salons; massage parlors; and tailors.

Planning commission. The City of Statesboro Planning Commission.

Plat. A map showing the features of a proposed subdivision (lot split, metes and bounds description). This plat would show the entire tract, and the lot which is to be subdivided, the adjacent properties and owners, roads, or streets, and giving all necessary bearings and distances for the proposed "split".

Plat, final. The subdivision plat submitted to mayor and city council for final approval and subsequently to be recorded with the Clerk of Court of Bulloch County.

Plat, preliminary. A map showing the salient features of a proposed subdivision, including topographical data, submitted to the zoning administrator and UDC administrator for purposes of preliminary consideration.

Plat, sketch. A simple sketch plan of the proposed subdivision submitted to the zoning administrator for review.

Pre-owned manufactured home. Any manufactured home that has been previously used as a residential dwelling and has been titled.

Principal building. A building in which is conducted the principal use of the lot on which it is situated.

Public use. Use of any land, water, or buildings by a municipality, public body or board, commission or authority, county, state or federal government, or any agency thereof for a public service or purpose.

Public assembly facilities. A category of institutional uses that private for private and/or public gathering of groups of people for a common cause or purpose. Unless otherwise prohibited, such uses include **religious or philanthropic institutions** and **social lodges or clubs**.

Public utilities. Any underground or overhead installation including poles, conduits, pipes, and cables that carry services for the public to use. (i.e. water and gas mains, sanitary and storm sewer and pipes, power and T.V. cables.)

Public utility facilities. A building or structure and its equipment used for the transmission and exchange of telephone, radio-telephone, gas, power, sewer and water facilities, provided, however that in a residential district these shall not include public business facilities, storage of materials, truck or repair facilities, or housing of repair crews.

Section 5.2.17 - "Q" Terms

[Reserved]

Section 5.2.18 - "R" Terms

Religious or philanthropic institutions. An establishment where people assemble for civic, cultural, philosophical, spiritual, and/or religious purposes.

Residential. The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land and/or any building used exclusively for family dwelling purposes or intended to be used, including accompanying uses specified herein.

Residential industrialized building. As defined in [OCGA Sec. 8-2-111](#): Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure may or may not contain a permanent metal chassis but shall be affixed to a permanent load-bearing foundation. The term

shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Reserve strip. A small strip of land between the end (terminus) of a platted street right-of-way and the plat boundary whose ownership could be retained by the subdivider which would prevent the extension of said street into adjacent property.

Retail establishments. A category of commercial and office uses that includes businesses involved in the sale, lease, or rental of new or used products to the public for personal or household consumption. Unless otherwise prohibited, such businesses may include selling, leasing, or renting goods including but not limited to: animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories (excluding on-site installation); baked goods; bicycles; books; building supplies (including heating, plumbing, and other home improvement materials); cameras (including photographic supplies); carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies (including plants and seeds); gifts or novelties; groceries (including the accessory sale of alcoholic beverages for offsite consumption); hardware; household products; jewelry; luggage; medical supplies (including pharmaceutical materials); monument sales; musical instruments; office supplies; pawned items; pets and pet supplies; picture frames; postal supplies; printed materials; produce; school supplies; second-hand goods; souvenirs; shoes; sporting goods; tobacco and related products; and toys. This definition includes **retail greenhouse or nursery**. This definition does not include **eating establishments** or **service establishments**.

Retail greenhouse or nursery. A facility where plant life such as grasses, flowers, shrubbery, and trees are grown and raised for sale.

Right-of-way line. The outside boundaries of a property owned by the governmental body on which the roadway system exists, which are established by usage, dedication or official action.

Rope lighting. A primarily decorative lighting fixture featuring small light bulbs linked together and encased in a PVC or similar jacket to create a string of lights in which each individual light bulb is directly or indirectly visible.

Section 5.2.19 - "S" Terms

Sanitary landfill. An establishment meeting the definitions of any of the following terms as defined in the Official Code of Georgia Annotated ([OCGA](#)) § 12-8-22:

- (1) Disposal facility.
- (2) Landfill.
- (3) Materials recovery facility.
- (4) Municipal solid waste disposal facility.
- (5) Municipal solid waste landfill.
- (6) Regional landfill or regional solid waste disposal facility.
- (7) Solid waste handling facility.

Screen enclosure. A structure characterized by a network of metal or wood members with open mesh panels for both walls and roof.

Service establishments. A category of commercial and office uses for businesses that provide non-medical services to individual customers or groups of customers. Unless otherwise prohibited, such businesses may include **banks or credit unions, personal services facilities, funeral homes or mortuaries, and laundry or dry-cleaning establishments.** This definition does not include **retail establishments or eating establishments.**

SES (solar energy system). A device or structural design feature that provides for the collection, storage, and distribution of solar energy for electricity generation. This definition shall only include (1) photovoltaic systems that convert solar energy into electricity through a semiconductor device; or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

- (1) **SES: Building-integrated.** An SES where solar materials are used in place of traditional building components such that the SES is structurally an integral part of a house, building, or other structure, such as a building façade, skylight, or roofing shingles.
- (2) **SES: Ground mounted.** An SES that is structurally mounted to the ground. For purposes of this ordinance, the acreage of land occupied by a ground mounted solar

energy system is calculated by drawing a perimeter around the outermost SES solar panels and auxiliary structures. Substations and transmission lines outside of this perimeter shall not be included in this calculation.

- (3) **SES: Ground-mounted intermediate scale.** A ground-mounted SES that occupies at least three and up to 15 acres.
- (4) **SES: Ground-mounted large scale.** A ground-mounted SES that occupies more than 15 acres. This definition includes solar farms.
- (5) **SES: Ground-mounted small scale.** A ground-mounted SES that occupies less than three acres. This definition includes solar gardens.
- (6) **SES: Rooftop mounted.** An SES that is structurally mounted to the roof of a house, building, or other structure.

Self-storage. A facility providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes indoor multi-story storage facilities, mini-warehouse, and self-service warehouses.

Setback. A measurement of the shortest distance between a specified property line and the nearest part of the applicable building, structure, or sign, as measured perpendicularly to the property line.

Shopping center. A group of businesses within one or more buildings owned, operated, managed, or otherwise identified as a cohesive development with shared parking and containing a variety of retail, service, and/or office uses.

Short-term rental. A dwelling that provides lodging without meals and in which sleeping accommodations for less than ten persons are provided for compensation for no longer than 30 consecutive days at a time, and meeting all applicable licensing requirements by the city.

Sign. Any fixture, placard, structure, or device illuminated or non-illuminated that uses any color, form, graphic, symbol, or writing to convey information of any kind and which is visible to the public from public rights-of-way and/or public property.

- (1) **Sign: Animated sign.** A sign that utilizes moving structural elements, flashing or sequential lights, lighting elements, or other automated methods to create

movement, the appearance of movement, or other special effects. Signs meeting the definition of and regulations governing changeable copy signs and traffic control devices and warning signs meeting the standards of the Manual of Uniform Traffic Control Devices are not considered animated signs.

- (2) **Sign: Banner sign.** Any sign printed or displayed on lightweight fabric, or similar flexible material with or without frames and that is mounted to a pole or building at more than one edge. When mounted, banners shall remain stationary and not flap or wave in a manner similar to a flag or pennant. Flags and pennants shall not be considered banners.



- (3) **Sign: Billboard.** A freestanding sign having a sign area of greater than 150 square feet.

- (4) **Sign: Building sign.** Any sign attached to any part of a building.

- (5) **Sign: Canopy sign.** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or other structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.



- (6) **Sign: Changeable copy sign.** A sign designed to allow the changing of letters, words, logos, or symbols through manual, electric, or electronic means without altering the face or surface of the sign, or creating movement or the appearance of movement. For purposes of this Article, a changeable copy sign does not include an animated, or tri-vision sign; or a sign utilizing LED or similar digital technology.

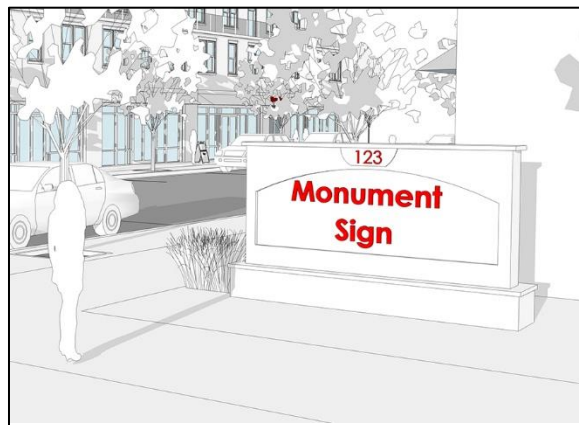
(7) **Sign: Freestanding sign.** A sign which is attached to, or part of, a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure. Freestanding signs may take the form of either monument or stanchion signs as defined herein.

(8) **Sign: Incidental sign.** A sign of no more than two square feet that serves the purpose of guiding safe traffic movements onto, from or on property, and without which there is an increased risk of incompatible traffic movements or obstructions. Examples of incidental signs include but are not limited to "stop," "no parking," "entrance," "loading zone" and other similar traffic related directives.



(9) **Sign: LED sign.** Any sign or portion thereof that utilizes light emitting diode technology or other similar semi-conductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology.

(10) **Sign: Monument sign.** A freestanding sign which forms a solid structure from the ground to the top of the sign.



- (11) **Sign: Nonconforming sign.** Any sign which, while legal at the time of erection, does not comply with the requirements of the UDC.
- (12) **Sign: Pole sign.** See **stanchion sign**.
- (13) **Sign: Portable sign.** Any sign which is not permanently attached to the ground or other permanent structure, or a sign designed to be transported by wheels or trailer; signs converted to A-frames or T-frames; umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business or organization for purposes other than signage.

- (14) **Sign: Projecting sign.** Any sign which is affixed to a building or wall and its leading edge extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 12 inches.




- (15) **Sign: Roof sign.** Any sign erected, constructed, or maintained in whole or a part upon, against, or above the eave of a peaked roof or parapet line of a flat roof.



- (16) **Sign: Spectacular sign or device.** Signs or devices, whether permanent or temporary, utilizing out of the ordinary materials, configurations or devices, including, but not limited to, (i) balloons; (ii) animated animal forms; (iii) costumed human or animal figures; and (iv) other attention-getting devices. "Spectacular sign

or device" does not include banners, flags or pennants meeting the standards of this ordinance.

- (17) **Sign: Special event sign.** See **temporary sign**.
- (18) **Sign: Stanchion sign.** A freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is elevated above ground level and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face.
- (19) **Sign: Standard informational sign.** A sign with an area not greater than four and one-half square feet, with a sign face made for short-term use, containing no reflective elements, flags or projections and which, when erect, stands at a height not greater than 3 feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half inches.
- 
- An illustration of a standard informational sign. The sign is rectangular with a white background and red text that reads "Standard Informational Sign". It is mounted on two metal stakes. The sign is positioned in front of a building with windows and a door. The ground is shaded to indicate a lawn or sidewalk area.
- (20) **Sign: Suspended sign.** Any sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (21) **Sign: Temporary sign.** A sign not permanently attached to the ground or other structure, excluding signs meeting the definition of and standards for "standard informational signs" and located on residential property.
- (22) **Sign: Tri-vision sign.** A sign designed with a series of slats that mechanically rotate in sequence with one another to show multiple different sign messages in sequence. For purposes of this Article, a tri-vision sign is not a changeable copy sign.

(23) **Sign: Wall sign.** Any sign attached parallel to, but within 12 inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only on one sign surface.



(24) **Sign: Window sign.** Any writing, pictures, symbols, or combination thereof, attached to, placed upon, or painted on the interior of a door or window or upon the windowpanes or glass and visible from the exterior of the window or door.



Social lodge or club. A voluntary association of persons organized for civic, charitable, cultural, recreational, or similar purpose.

Solar energy easement. An easement on the height or location, or both, of structures or vegetation, or both, for the purpose of providing access to sunlight.

Solar farm. A large-scale SES that contains at least 100 arrays of photovoltaic panels and/or that covers the majority of a parcel.

Solar garden. A small-scale solar energy system that is sometimes operated under the form of a cooperative.

Solar glare. The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar photovoltaic (PV) systems. A collection system that produces electricity by the use of photovoltaic cells which generate electricity when exposed to sunlight.

Special flood hazard area. An area having special flood hazards (subject to a one percent or greater chance of flooding in any given year), and shown on the FHBM or FIRM for a community. Also referred to as the 100-year flood plain.

Street. That portion of a public right-of-way or private way which is primarily devoted to vehicular use. A street normally provides primary access and space for utilities to abutting property. Streets are further classified as major arterial, minor arterial, collector, local, and other designations.

- (1) **Street: Major arterial.** A street designated by the public works and engineering department that is used primarily for serving large volumes of comparatively high speed traffic and to which access is controlled.
- (2) **Street: Minor arterial.** A street, which is designated by the public works and engineering department, used primarily for serving large volumes of traffic, but smaller volumes than are normally served by major arterial streets. Speed is comparatively high.
- (3) **Street: Collector.** A street designated by the public works and engineering department, or a logical geographic extension thereof as determined by the UDC administrator. A collector street carries traffic from local streets to the major and minor arterial streets. Traffic volumes are substantial but smaller than normally served for minor arterial streets.
- (4) **Street: Local.** A street which is primarily for access to abutting properties. It carries low traffic volumes. This terms encompasses all highways not classified by either arterial or collector streets.

Street, cul-de-sac. A local street of short length having one end open to traffic and one end terminating in a vehicular turn-around.

Street, dead end. A street not intersecting other streets at both ends, and distinguished from a cul-de-sac by not being terminated by a vehicular turn-around.

Street, marginal access. A minor service street which parallels and which is immediately adjacent to an arterial street (frontage road).

Street frontage. The distance for which a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street line. The dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road or highway legally opened or officially plotted or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

Street, width. The width of the right-of-way, which is the shortest distance between the lines delineating the right-of-way of a street.

Surveyor. A person licensed by the State of Georgia as a registered land surveyor.

Structure. Any form or arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements, including anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location to the ground. Structures include, but are not limited to, the following: Site-built buildings, industrialized buildings, modular homes, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, satellite dishes, and fall-out shelters. See also, **building**.

Subdivider. Any person, firm, corporation or other legal entity who or which divides for sale, rent or lease or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two or more lots, buildings, sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development; includes all division of land involving a new public road or a change in existing public roads; includes re-subdivision; and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality.
- (2) The division of land into parcels of five acres or more where no new street is involved. However, this exception shall not apply to land being developed for retail commercial purposes, such as a large shopping center or single retail establishment, or an enclosed mall or other group development which may exceed five acres in size. Such developments are considered subdivisions under this UDC.

Subdivision, minor. The subdivision of an unplatted tract of land into four lots or less, each being in compliance with the requirements of the zoning ordinance and each fronting an existing street with a minimum right-of-way of 50 feet and adequate public utilities. Each lot must meet the minimum requirements of the zoning ordinance for the zoning district in which it is located.

Swimming pool. Any pool, or open tank located either above or below the existing finished grade of a site, not located within a completely enclosed building, and exceeding 150 square feet in surface area and 2 feet in depth, designed, used or intended to be used for swimming or bathing purposes. A swimming pool does not include reflecting pools, fish ponds, or other types of pools, located and designed so as not to create a hazard or to be used for swimming or wading.

Section 5.2.20 - "T" Terms

Tavern. A commercial establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises, but also serves prepared food as a secondary activity and meets the definition of a tavern contained in Chapter 6 of the Statesboro Code of Ordinances. See also, **bar**.

Townhouse development. A development containing 50 or more townhouse dwellings, and that may also contain other residential or nonresidential uses, and where no two areas of such development are separated by a collector street or an arterial street.

Trailer park. Any land used or designated to be used as parking space for more than one house trailer, also known as mobile home park.

Trailer. An enclosure used for living, sleeping, business or storage purposes having no foundation other than wheels, blocks, jacks, skids or skirtings and which has been or can be equipped with wheels or other devices for transporting the enclosure from place to place.

Transparent glass. Glass with a transparency higher than 80% and external reflectance of less than 15%.

Section 5.2.21 - "U" Terms

UDC administrator. The city official authorized by the city manager to administer the portions of this UDC that do not constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq , or their designee.

Use. The purpose which land or a building is arranged, designed or intended, or for which service either land or a building is or may be occupied or maintained.

Section 5.2.22 - "V" Terms

Vape shop. Any business whose principal product line for retail sale is alternative nicotine products or vape juice, or both. For the purposes of this definition, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongos and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this definition, vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product. For purposes of this definition, "principal" means that alternative nicotine products, vape juice, or both constitute at least 25% of the business's aggregate retail sales.

Variance. Permission or approval granted by the mayor and city council constituting a modification or a deviation from the exact provisions of this ordinance as applied to the use of a specific piece of property or portion of the same.

Vehicle-related establishments. A category of commercial and office uses that includes businesses involved in the storage, maintenance, repair, and fueling of vehicles include but not limited to **service stations and convenience stores; parking lots; junkyards;** and automotive and allied sales and services.

Section 5.2.23 - "W" Terms

Warehouse. A facility that provides storage of bulk items for wholesale enterprises Such a use shall not include the storage or handling of hazardous materials. See also **industrial uses, heavy.**

Waterfront. Property containing any or all of its lot lines abutting on or contiguous to any body of water including a creek, canal, lake, river or any other body of water, natural or artificial, marshland, not including a swimming pool, whether said lot line is front, rear or side.

Wholesale establishments. A category of commercial and office uses that includes businesses involved in the sale, lease, or rental of new or used products exclusively to industrial, institutional, or commercial enterprises.

Section 5.2.24 - "X" Terms

[Reserved]

Section 5.2.25 - "Y" Terms

Yard. An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for public utility lines or facilities. See Figure 5.2.25-A - Diagram of Yard Types.

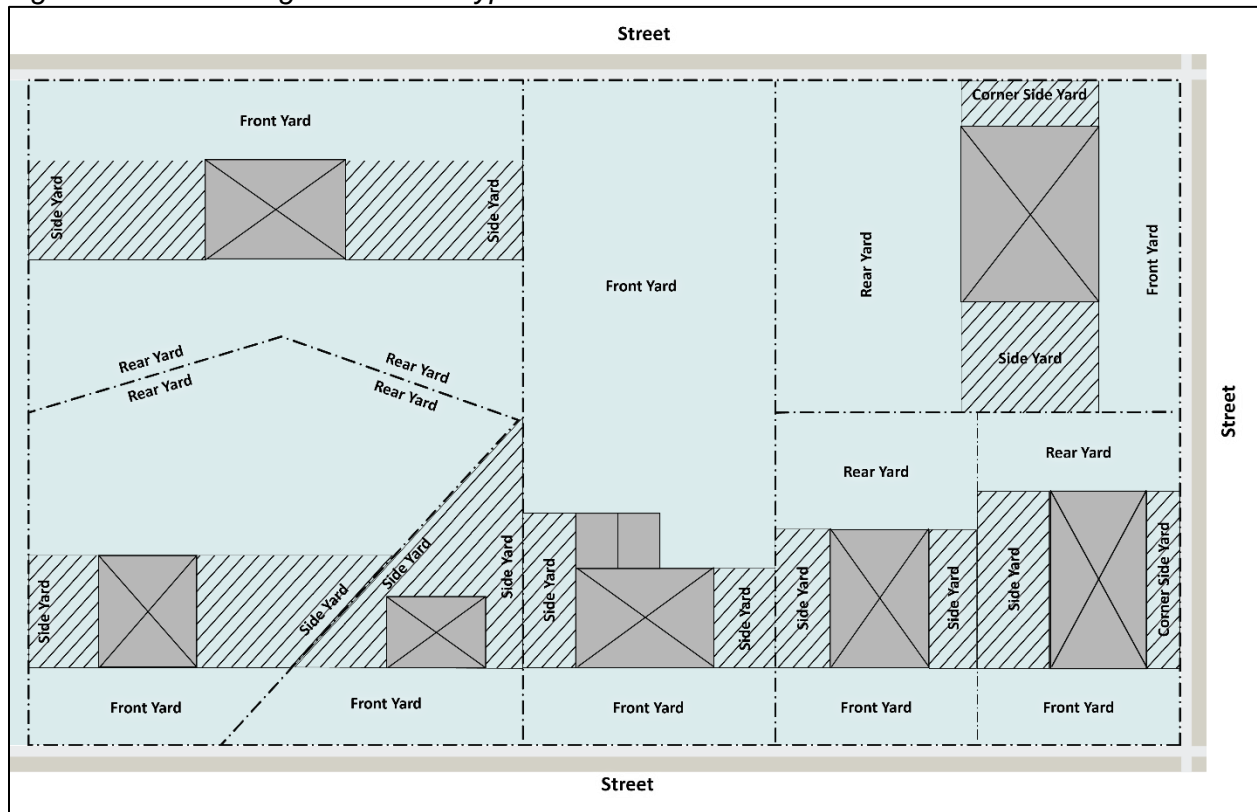
Yard, front. A yard extending the full width of the lot along the front street line as defined and extending in depth from the front street line to the nearest point of any structure on the lot. See Figure 5.2.25-A - Diagram of Yard Types.

Yard, rear. A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot. See Figure 5.2.25-A - Diagram of Yard Types.

Yard, side. A yard extending from the rear of the front yard to the front of the rear yard and extending in width from the side lot line to the nearest point of any structure on the lot. See Figure 5.2.25-A - Diagram of Yard Types.

Yard, corner side. A side yard on a corner lot extending from the side street line to the nearest point of any structure on the lot. See Figure 5.2.25-A - Diagram of Yard Types.

Figure 5.2.25-A - Diagram of Yard Types



Section 5.2.26 - "Z" Terms

Zoning administrator. The city official authorized by the city manager to administer the portions of this UDC that constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq, or their designee.

Zoning district: residential zoning districts. A collective reference to the R-2, R-3, R-4, R-6, R-15, and R-40 districts.

Zoning ordinance. The portions of this UDC that constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, Planning & Housing Administrator

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *Chapter 22, Cable Communications: Ordinance Amendment*

Recommendation: Planning Commission Recommends Adoption of the Ordinance Amendment

Background: At the request of City Council in 2022, the City hired TSW as consultants for the creation of a new Unified Development Code, which incorporated items both directly and indirectly related to zoning. It is now requested that Council adopt this newly created Streaming Broadband Deployment Ordinance.

Budget Impact: None

Council Person and District: All

Attachments: Ordinance 2023-13 & Draft Ordinance

ORDINANCE # 2023- 13:
AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 22: CABLE COMMUNICATIONS OF THE CITY OF STATESBORO
CODE OF ORDINANCES

WHEREAS, many of the current broadband regulations do not align with existing state codes and best practices; and

WHEREAS, amendments shall be made to ensure compliance with all state codes and regulations; and

WHEREAS, significant public input, including a stakeholder committee, public meetings, community open houses, and web-based surveys guided the has assisted in the creation of additional regulations as a part of the development of the Unified Development Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. That the text of Chapter 22, Sections 22-1 through 22-11 of the Code of the City of Statesboro, Georgia, as amended, is hereby further amended and re-codified as set forth in Exhibit "A" attached hereto, entitled "Streaming Broadband Deployment Ordinance", and that said Exhibit "A" is hereby adopted and incorporated into this Ordinance by this reference.

Section 2. This Ordinance shall become effective on October 1, 2023.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are repealed.
APPROVED this 19st day of September, 2023 by the Mayor and Council of the City of Statesboro.

ATTEST:

Jonathan M. McCollar, Mayor

Leah Harden, City Clerk

CHAPTER 22 STREAMING BROADBAND DEPLOYMENT ORDINANCE

Sec. 22-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense including the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Administrative Review means ministerial review of an application by the authority relating to the review and issuance of a permit, including review by the Director of Public Works and Engineering to determine whether the issuance of a permit is in conformity with the applicable provisions of this chapter. This process does not involve the exercise of discretion. Either the issuance of a permit is in conformity with the applicable provisions of this chapter or it is not. This process is not subject to a public hearing.

Antenna means communications equipment that transmits and/or receives over-the-air electromagnetic signals used in the provision of wireless services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the City of Statesboro or otherwise are applicable in the jurisdiction.

Applicant means a person who submits an application under this chapter.

Application means a written request submitted by an applicant for a permit (i) to locate or collocate, or to modify, a communications facility underground or on any existing support structure, pole, or tower, or (ii) to construct, modify or replace a new support structure, pole or tower or any other structure on which a communications facility will be collocated.

Authority pole means a pole owned, managed or operated by or on behalf of the City of Statesboro or any agency, county, municipality, district, subdivision or any instrumentality thereof, including, but not limited to public utility districts, or municipal electric utilities. *City* means the City of Statesboro.

Collocate means to install, mount, maintain, modify, operate and/or replace a communications facility on an existing support structure, pole, or tower or any other structure capable of supporting such communications facility. "Collocation" has a corresponding meaning. The term does not include the installation of a new utility pole, tower or support structure in the public right-of-way.

Communications facility means, collectively, the equipment at a fixed location or locations that enables communication between user equipment and a communications network, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A communications facility does not include the pole, tower or support structure to which the equipment is attached.

Communications service provider means a cable operator, as defined in 47 U.S.C. § 522(5), a provider of information service, as defined in 47 U.S.C. § 153(24); or a provider of telecommunications service, as defined in 47 U.S.C. § 153(53); or provider of fixed wireless or other wireless services as defined in 47 U.S.C. § 332(c)(7)(C)(i).

Decorative pole means an authority pole that is specially designed and placed for aesthetic purposes.

Deployable means a portable, self-contained wireless facility that can be moved to a specified location or area and provide wireless services on a temporary or emergency basis such as a “cell on wheels” or “COW,” “cell on light truck” or “COLT,” tethered balloon, tethered drone or other unmanned device.

Discretionary review means review of an application by the City relating to the review and issuance of a permit, that is other than an administrative review. Discretionary review involves discretion on the part of the City (subject to any applicable limits on such discretion) in determining whether to issue a permit and may be subject to one or more public hearings or meetings.

Eligible facilities request means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3), as may be amended from time to time.

FCC means the Federal Communications Commission of the United States.

Fee means a one-time, nonrecurring charge, whether a fixed amount or cost- based amount based on time and expense.

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the United States Secretary of the Interior (in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C) or established pursuant to state historic preservation law.

Laws means, collectively, any and all federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.

Micro-trenching means a deployment methodology in which fiber and conduit are inserted into a slot-cut trench up to 2 inches wide and up to 16 inches deep.

Ordinary maintenance, repair and replacement means (i) with respect to a communications facility and/or the associated support structure, pole or tower, inspections, testing, repair and modifications that maintain functional capacity, aesthetic and structural integrity, and (ii) with respect to a communications facility only, the replacement or upgrade of antennas and/or other components of the communications facility (specifically, such as a swap out or addition of 5G antennas and radio equipment as required by the applicant), with antennas and/or other components substantially similar, in color, aggregate size and other aesthetics to that previously permitted by the City (and/or consistent with the same height and volume limits for Wireless facilities under this chapter), so long as the support structure, pole, or tower will structurally support, or prior to installation will be modified to support, the structural load. Modifications are limited to by the structural load analysis supplied by the applicant to the City, and by the volume limits specified under the definition of “small wireless facility.” Modifications beyond the foregoing must be requested in writing by the applicant and are subject to discretionary approval by the City.

Permit means a written authorization (in electronic or hard copy format) required by an authority to initiate, continue, or complete installation of a communications facility, or an associated support structure, pole, or tower.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

Pole means a pole, such as a utility, lighting, traffic, or similar pole, made of wood, concrete, metal or other material, located or to be located within the Public Right of Way or Utility Easement. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to

which signal lights or other traffic control devices are attached unless an authority grants a waiver for such pole. The term does not include electric transmission poles or structures. A pole does not include a tower or support structure.

Utility easement means the area on, below, or above privately-owned property that has been designated for use as or is used for a specific utility purpose (such as for electric, cable or other utility purpose), and is evidenced by a recorded instrument in the public land records pursuant to a recorded plat, easement or right of way or is otherwise a legally enforceable easement, and does not include any portion of a public right of way.

Provider means a communications service provider or a wireless provider.

Public right of way or public ROW means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate highway or other area not within the legal jurisdiction, or within the legal ownership or control of the City.

Rate means a recurring charge.

Replace or replacement means, in connection with an existing pole, support structure or tower, to replace (or the replacement of) same with a new structure, similar in design, size and scale to the existing structure and in conformance with current City regulations, to address limitations of, or change requirements applicable to, the existing structure to structurally support collocation of a communications facility. In connection with the replacement of a pole or tower to support Collocation of a wireless facility, similarity in size and scale shall be evaluated consistent with 47 C.F.R. 1.40001 Subpart b(7).

Small wireless facility means a wireless facility that meets both of the following qualifications: (i) each wireless provider's antenna (including, without limitation, any strand-mounted antenna) could fit within an enclosure of no more than 6 cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated, ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for connection of power and other services.

State means the State of Georgia.

Support structure means a building, a billboard, a water tank or any other structure to which a communications facility is or may be attached. Support structure does not include a pole or a tower.

Tower means any structure built for the sole or primary purpose of supporting a wireless facility, such as a self-supporting tower, a monopole, a lattice tower or a guyed tower. Tower also includes a structure designed to conceal from the general public the wireless facility. A tower does not include a pole or a support structure.

Wireless facility means a communications facility installed and/or operated by a wireless provider. The term does not include: (i) the support structure, tower or pole on, under, or within which the equipment is located or collocated; or (ii) coaxial, fiber-optic or other cabling that is between communications facilities or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. A small wireless facility is one example of a wireless Facility.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications service in the State, that builds or installs and/or operates wireless facilities or

poles, towers or support structures on which wireless facilities are or are intended to be used for collocation, but that is not a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any wireless services including, without limitation, personal wireless services as that term is defined in 47 U.S.C. § 332(c)(7)(C)(i), fixed wireless and other wireless services.

Wireless services provider means a person, entity, or company which provides wireless services.

Sec. 22-2. General Provisions of Agreement for Access to public ROW.

- (a) Before receiving a permit to install a communications facility in the public ROW, each applicant shall be required to enter into a municipal agreement (e.g., right of way agreement, pole attachment agreement, license agreement) between the City and the applicant, on terms and conditions substantially the same for all applicants and existing occupants of the public ROW. The terms and conditions of such municipal agreement will include the following:
- (1) **Fees and Rates.** The applicant will pay the following fees and rates:
 - a. Make-ready fee, determined on a site-specific, engineering basis, for work reasonably necessary to make a particular authority pole suitable for attachment of the applicable communications facility shall be paid upon submission of the application as more particularly described in Sec. 22-4(f) below.
 - b. Annual ROW or occupancy rate, for non-exclusive occupancy of the public ROW by the applicant, based on/equal to the amount of such rate per installation or, alternatively, how such rate is calculated shall be paid within 30 days of issuance of the applicable permit(s) and annually thereafter.
 - c. Generally applicable, non-discriminatory fees, such as those required for electrical permits, building permits, or street opening permits, shall be paid by applicant as required in the applicable provisions of the City of Statesboro
 - d. An applicant shall not be subject to any municipal fees or rates, other than those expressly cited above or as may be otherwise negotiated between an applicant and the City or required pursuant to the Code of Ordinances.
 - e. The applicant, or person who owns or operates the communications facility installed in the public ROW (including, without limitation, on an authority pole) may remove its facilities at any time from the public ROW, upon not less than 30 days prior written notice to the City and may cease paying to the City any applicable fees and rates for such use, as of the date of actual removal of the facilities.
- (b) Other Terms required in any municipal agreement(s).
- (1) Term length, including renewals and extensions.
 - (2) Specific design requirements (see Sec. 22-6(b)(2) below).
 - (3) Safety requirements including those under ADA, OSHA and similar Laws.

- (4) Indemnification and insurance requirements.
 - (5) Termination rights of both parties.
 - (6) Removal, relocation and abandonment (see Sec. 22-6 below).
 - (7) Emergency notifications.
 - (8) Assignment and sublicensing.
 - (9) Employment.
- (c) Applications must be processed on a nondiscriminatory basis.

Sec. 22-3. Permitted Communications Facility Uses/Administrative Review; Application

- (a) **Permitted use.** The following uses within the public ROW shall be a permitted use, subject to Administrative Review only and issuance of a permit as set forth in this Sec. 22-3. All such uses shall be in accordance with all other applicable provisions of this chapter, including without limitation, those set forth in Sec. 22-6 below:
- (1) Collocation of a small wireless facility or a collocation that qualifies as an eligible facilities request;
 - (2) Modification of a pole, tower or support structure or replacement of a pole, for collocation of a communications facility that qualifies as an eligible facilities request or involves a small wireless facility that does not exceed the maximum limitations set forth in Sec. 22-4(c)(1)a.1 below. All other such modifications or Replacements are subject to discretionary review under City of Statesboro ordinances.
 - (3) Construction of a new pole or a monopole tower (but no other type of tower) to be used for Collocation of a Small Wireless Facility that does not exceed the maximum height set forth in Sec. 22-4(c)(1)a.1 below; and
 - (4) Construction of a communications facility, other than those set forth in Sec. 22-3(a)(1) through Sec. 22-3(a)(3), involving the installation of coaxial, fiber-optic or other cabling, that is installed underground (direct buried or in conduit) or aboveground between two or more poles or a pole and a tower and/or support structure, and related equipment and appurtenances.
- (b) **Permit required.** No Person shall place any facility described in Sec. 22-3(a) above in the public ROW without first filing an application for same and obtaining a permit therefor, except as otherwise expressly provided in this chapter.
- (c) **Proprietary or confidential information in application.** The City shall make accepted applications publicly available. Notwithstanding the foregoing, applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the City shall treat the information as proprietary and confidential, subject to applicable State and local “freedom of information” or “sunshine” laws and the City’s determination that the applicant’s request for confidential or proprietary treatment of an application material is reasonable.

- (d) **Administrative review application requirements.** The application shall be made by the applicable provider or its duly authorized representative and shall contain the following:
- (1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant.
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - (3) A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
 - (4) Detailed construction drawings of the proposed facility as generally required for building permits in the City.
 - (5) To the extent the proposed facility involves collocation on a pole, tower or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure will structurally support the collocation (or that the pole, tower or support structure will be modified to meet structural requirements) in accordance with applicable codes.
 - (6) For any new aboveground facilities, visual depictions or representations if not included in the construction drawings.
- (e) **Ordinary maintenance, repair and replacement.** An application shall not be required for ordinary maintenance, repair and replacement, other than to the extent required generally required for building permits within the City.
- (f) **Information updates.** Any material change to information contained in an application shall be submitted in writing to the City within 30 days after the change necessitating the change.
- (g) **Application fees.** Unless otherwise provided by applicable laws, all applications pursuant to this chapter shall be accompanied by the fees required under Sec. 22-2(a) above.

Sec. 22-4. Action on Administrative Review Applications.

- (a) **Review of applications for administrative review.**
- (1) The City shall review the application for its conformity with applicable provisions of this chapter, and shall issue a permit on nondiscriminatory terms and conditions, subject to the following requirements:
 - a. Within 20 days of receiving an application, the City must determine and notify the applicant whether the application is complete; or if an application is incomplete, the City must specifically identify the missing information, and may toll the approval interval in Sec. 22-4(a)(1)b below. The applicant may resubmit the completed application within 20 days without additional charge, and the subsequent review will be limited to the

- specifically identified missing information subsequently completed, except to the extent material changes to the proposed facility have been made by the applicant (other than those requested or required by the City) in which case a new application and application fee for same must be submitted; and
- b. The City must make its final decision to approve or deny the application within 60 days for a collocation, and 90 days for any new structure, after the application is deemed complete;
 - c. The City must advise the applicant in writing of its final decision, and in the final decision document the basis for a denial, including specific code provisions and/or regulations on which the denial was based. A decision to deny an application shall be in writing and supported by substantial evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by City. The review period or “shot clock” shall run until the written decision, supported by substantial evidence, is released and sent to the applicant contemporaneously. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee unless denial was issued due to non-compliance with design guidelines or other requirements under this chapter (in which case a new application fee must be paid). The City shall approve or deny the revised application within 30 days of receipt of the revised application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial and any material changes to the application made to cure any identified deficiencies.
- (2) If the City fails to act on an application within the review period referenced in Sec. 22-4(a)(1)b above, the applicant may provide the City written notice that the time period for acting has lapsed, and the City then has 20 days after receipt of such notice within which to render its written decision, failing which the application is then deemed approved by passage of time and operation of law. Applicant shall provide notice to the City at least seven days before starting construction or collocation pursuant to a permit issued pursuant to a deemed approved application, and such notice shall not be construed as an additional opportunity for objection by the City or other entity to the deployment.
- (3) An applicant seeking to construct, modify or replace a network of communications facilities may, at the applicant’s discretion and subject to the City’s batch application requirements and process under Sec. 22-8 below, file a consolidated application and receive a single permit for multiple communications facilities, or multiple permits. The City’s denial of any site or sites within a consolidated application shall not affect other sites submitted in the same application. The City shall grant a permit(s) for any and all sites in a consolidated application that it does not otherwise deny, subject to the requirements of this Sec. 22-4.
- (b) **Review of eligible facilities requests.** Notwithstanding any other provision of this chapter, the City shall approve within 60 days and may not deny applications for eligible facilities requests according to the procedures established under 47 C.F.R. 1.40001(c).

(c) **Small wireless facilities; maximum height; other requirements.**

(1) Maximum size of permitted use. Small wireless facilities, and new, modified or replacement poles, towers and support structures (subject to the further limitation for replacement of support structures described in Sec. 22-1 above) to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use in accordance with this Sec. 22-3, subject to the following requirements:

- a. Each new, modified or replacement pole, tower or support structure installed in the public ROW shall not exceed the greater of:
 1. Five feet above the tallest existing pole, tower or support structure not exceeding 50 feet in the public ROW, in place as of the effective date of this chapter, and located within 500 feet of the new proposed pole, support structure; or 10 feet on utility distribution poles where required by the electrical utility separation requirements; or
 2. Fifty feet above ground level.
- b. Each modified or replacement pole, tower, or support structure installed in the public ROW shall not exceed the greater of:
 1. Five feet above the height of the structure being modified or replaced in place as of the effective date of this chapter; or 10 feet on utility distribution poles where required by the electrical utility separation requirements; or
 2. The height limit under Sec. 22-4(c)(1)a above.

(d) **Discretionary review requirements.** Unless an applicant seeks to install a communications facility that conforms to the specific uses and size and height limitations set forth in Sec. 22-3(a) above (or involves ordinary maintenance, repair and replacement), the application shall be subject to the land use requirements set forth elsewhere in the Code of Ordinances applicable to construction and placement of such facilities.

(e) **Undergrounding provisions.** The City shall administer undergrounding provisions in a non-discriminatory manner. It shall be the objective of the City and all public ROW occupants to minimize disruption or discontinuance of service of all kinds to consumers, through mutual obligation to coordinate and timely complete such projects.

An occupant shall comply with nondiscriminatory authority undergrounding requirements that 1) are in place and published prior to the date of initial filing of the application, and 2) prohibit electric, telecommunications and cable providers from installing above-ground horizontal cables, poles, or equivalent vertical structures in the public ROW; and the City may require the removal of overhead cable and subsequently unused poles. In areas where existing aerial utilities are being moved underground, wireless providers shall retain the right to remain in place, under their existing authorization, by buying out the ownership of the pole(s), subject to the concurrence of the pole owner and consent of the City (which consent may not be unreasonably withheld, conditioned or delayed) or, alternatively, the wireless provider may reasonably replace the existing pole(s) or vertical structure locations for antennas and accessory equipment, as a permitted use, within 50

feet of the prior location, unless a minimally greater distance is necessary for compelling public welfare.

In neighborhoods or areas with existing underground utilities that do not have small wireless facilities deployed as a permitted use, a new entrant wireless provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved permit, the applicant shall be entitled to place poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures in the neighboring underground utility area.

In neighborhoods or areas with existing underground utilities that do have small wireless facilities deployed as a permitted use, a new entrant wireless provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved Permit, the applicant shall be entitled to place poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures of wireless providers in the neighboring underground utility area.

In neighborhoods with underground utilities, whether being converted from overhead utilities or initially underground, microwireless devices, typically strand-mounted, shall be treated like other small wireless facilities in the public ROW, requiring permitted use status, and subject to non-recurring and recurring fees and rates.

(f) Effect of permit.

- (1) Authority granted; no property right or other interest created.** A permit from the City authorizes an applicant to undertake only certain activities in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the public ROW.
- (2) Duration.** Any Permit for construction issued under this chapter shall be valid for a period of 6 months after issuance, provided that the 6 month period shall be extended for up to an additional 6 months upon written request of the applicant (made prior to the end of the initial 6 month period) if the failure to complete construction is delayed as a result of circumstances beyond the reasonable control of the applicant.

(g) Removal, relocation or modification of a communications facility in the ROW.

- (1) Notice.** Within 90 days following written notice from the City, a provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any communications facility within the public ROW whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public ROW. The City shall apply the same standards to all utilities in the public ROW.

- (2) **Emergency removal or relocation of facilities.** The City retains the right and privilege to cut power to or move any communications facility located within the public ROW of the City, as the City may determine to be necessary, appropriate or useful in response to any public welfare emergency, or safety emergency. If circumstances permit, the City shall notify the provider and provide the provider an opportunity to move its own facilities prior to cutting power to or removing the communications facility and in all cases shall notify the provider after cutting power to or removing the communications facility as promptly as reasonably possible.

Any utility pole leaning more than 10 degrees from vertical is considered unsafe and will be replaced at the provider's expense.

- (3) **Abandonment of facilities.** A provider must notify the City of abandonment of any communications facility at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the City shall direct the provider to remove all or any portion of the communications facility if the City determines that such removal will be in the best interest of the public safety and public welfare. If the provider fails to remove the abandoned facility within 60 days after such notice, the City may undertake to do so and recover the actual and reasonable expenses of doing so from the provider, its successors and/or assigns.

- (4) **Structural reconditioning, repair and replacement.** From time to time, the City may paint, recondition, or otherwise improve or repair the authority poles in a substantial way ("reconditioning work"). The provider shall reasonably cooperate with the City to carry out reconditioning work activities in a manner that minimizes interference with the provider's approved use of the facility.
- a. Before starting reconditioning work, the City will use reasonable efforts to provide the provider with at least 120 days prior written notice. Upon receiving that notice, it shall be the provider's sole responsibility to provide adequate measures to cover, remove, or otherwise protect the provider's communications facility from the consequences of the reconditioning work, including but not limited to paint and debris fallout. The City reserves the right to require the provider to remove all of the provider's communications facility from the authority pole and surrounding premises during reconditioning work, provided the requirement to remove same is contained in the written notice required by this Sec. 22-4(g). All cost associated with the protection measures, including temporary removal, shall be the sole responsibility of the provider. If the City fails in good faith to give notice of less than 120 days, it will not affect the City's rights under this Sec. 22-4(g). In all cases, as much notice as possible should be provided, but in no case less than 30 days notice shall be provided. The City will provide the provider with a date by which its equipment must be protected or removed.
 - b. The provider may request a modification of the City procedures for carrying out reconditioning work in order to reduce the interference with provider's operation of its

communications facility. If the City agrees to the modification, the provider shall be responsible for all reasonable incremental cost related to the modification.

- c. If the authority poles need to be replaced (“replacement work”), the City shall provide provider with at least 120 days written notice to remove its communications facilities. The City shall also promptly notify provider when the authority poles have been replaced and provider may re-install its equipment. During the replacement work, the provider may maintain a temporary communications facility on the property, or after approval by City, on any land owned or controlled by City, in the vicinity of the property. If the property will not accommodate the provider's temporary communications facility or if the parties cannot agree on a temporary location, the provider, at its sole option, shall have the right to suspend the applicable permit, until the replacement pole is installed, upon 30 days written notice to the City.

If the authority poles need to be repaired due to storm or other damage (“repair work”), the City shall notify the provider to remove its communications facilities as soon as possible. In the event of an emergency, the City shall contact the provider by telephone at its emergency contact of record upon or prior to removing the provider’s equipment. Once the authority poles have been replaced or repaired, the City will promptly notify the provider that it can reinstall its equipment. During authority repair work, the provider may maintain a temporary communications facility on the property, or after approval by provider, on any land owned or controlled by the City in the vicinity of the property. All cost associated with any removal or protection of communications facilities shall be the sole responsibility of the provider, except to the extent caused by third-parties or the City.

(h) Attachment to authority poles in the public ROW.

- (1) **Make-ready.** For any attachment to authority poles in the public ROW, the City shall provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility, including Replacement of the pole if necessary, within 60 days after receipt of a completed application requesting attachment to the authority pole. Make-ready work including any pole replacement shall be completed within 120 days of written acceptance of the good faith estimate by the provider. Such acceptance shall be signified by payment via check or other commercially reasonable and customary means specified by the City.

Sec. 22-5. Applications Requiring Discretionary Review and Approval.

- (a) **Discretionary review required.** All other uses not expressly set forth or referenced in Sec. 22-3(a) above shall require compliance with, and issuance of a permit under the Code of Ordinances.

Sec. 22-6. Other public ROW installation Requirements.

- (a) **General principles.**

- (1) The City shall have the power to establish reasonable and non-discriminatory limitations on the placement of new or additional facilities within specific congested segments of the public ROW if there is insufficient space to accommodate all the requests of applicants or other Persons to occupy and use the public ROW. In making such decisions, the City shall to the extent possible accommodate all existing users and potential users (i.e. those who have submitted an application to deploy facilities within the public ROW) of the public ROW, and shall be guided primarily by considerations of the public interest, the width and physical condition of the public ROW, the time of year with respect to essential utilities, the protection of existing facilities in the public ROW and established plans for public improvements and development projects which have been determined to be in the public's interest.
- (2) Leasing of excess space in ducts, conduits and on a pole is a matter between interested parties (subject to any applicable pole Attachment regulations and any other applicable statutory, regulatory or contractual obligations); however, lessees or licensees of such physical facilities must still comply with the terms of this chapter, unless otherwise expressly exempted by the City.
- (3) An occupant of the public ROW shall employ due care during the installation and maintenance process, and comply with all safety and public ROW-protection requirements of applicable Federal, State and local Laws (and any generally applicable authority guidelines, standards and practices), and any additional commonly accepted safety and public ROW-protection standards, methods and devices (to the extent not inconsistent with applicable Laws). All facilities under the streets of the City shall be kept and maintained in a safe and well-ordered condition, and in good order and repair.
 - a. Any permittee occupying any portion of the public ROW shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs and lights appropriate to the level of complexity of the activity in order to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic-control plan in accordance with the Uniform Manual of Traffic Control Devices.
 - b. Occupants of the public ROW with open excavations awaiting final restoration shall maintain all devices until the City notifies the occupant in writing that the City or the City's designated contractor is assuming responsibility for traffic control.
 - c. Each occupant shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the occupant's field employees and contractors for all job sites within the public ROW.
- (4) Location of existing facilities.
 - a. An occupant of the public ROW shall not place any fixtures or equipment where the same will interfere with any existing facility, and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual traffic patterns (vehicular or

pedestrian) or with the rights or reasonable convenience of owners of property that abuts any public ROW.

- b. To minimize disruption of public passage or infrastructure, to forestall or relieve overcrowding of the public ROW, or to protect Historic Property or environmentally sensitive areas, the City may require, as a condition of issuing any Permit for placement of underground facilities that the occupant place empty conduits in excess of its own present and reasonably foreseeable requirements for the purpose of accommodating the City's use. The occupant shall cooperate with the City in any such construction, provided that the City has first notified the occupant in writing that it is interested in sharing the trenches or bores in the area where the construction is occurring. The occupant shall allow the City to place its infrastructure in the occupant's trenches and bores as requested by the City, provided that the City incurs an incremental share of the costs of trenching, boring, and placing the conduit/infrastructure. The City shall be responsible for maintaining its facilities buried in the trenches and bores or otherwise placed in the public ROW under this Sec. 22-6(a).
- c. Before beginning excavation in any public ROW, an occupant shall contact the regional notification center for subsurface installations (One-Number Locator Service) to determine possible conflicts.

(5) Relocation of existing facilities.

- a. If relocation of facilities is required as a result of any public project, the City shall provide the greatest practical advance notice to the affected occupants of the public ROW and shall facilitate the greatest reasonable project coordination among the affected occupants, whereas coordinated sequencing dependencies are common. Generally, projects of greater scale and scope will have a longer planning horizon, and commensurate notice.
- b. The objective of the relocation process recognizes the mutual obligations and responsibilities of the City and the public ROW occupants to avoid or minimize service disruption and to timely and economically complete the public project. public ROW occupants are obligated to proceed with diligent speed and attention so as to not unreasonable delay or complicate a public project.
- c. Unless otherwise provided by applicable Laws, the occupant, at no cost to the City, shall accomplish the necessary relocation within a reasonable time from the date of the notification, but, in no event, no later than seven days prior to the date the City has notified the occupant that it intends to commence its work which mechanically requires the occupant's relocation, or immediately in the case of emergencies. With as much notice as possible, but in no event less than 90 days following written notice from the City, a provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any communications facility.

- d. Facility within the public ROW whenever the City has determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance or installation of any City improvement in or upon, or the operations of the City in or upon, the public ROW. The City will use its best efforts to accommodate the provider's request for relocation of the communications facility.
 - e. Except as provided in Sec. 22-6(a)(4)b, the City may not directly or indirectly require an applicant to perform services unrelated to the communications facility or support structure for which approval is sought, such as in-kind contributions, except reserving fiber, conduit or pole space for the City. Notwithstanding the foregoing, an applicant may offer in-kind contributions related to communications facility or support structure for which approval is sought, on a reasonable and nondiscriminatory basis, including by contributing the cash value of an in-kind contribution already provided by another party.
- (6) In the event of an emergency where any communications facility in the public ROW creates or is contributing to an imminent danger to health, safety, or property, the City may protect, support, temporarily disconnect, remove, or relocate any or all parts of such communications facility, and charge the occupant for actual and reasonable costs incurred. The City shall engage the emergency contact information of record or best available, if possible for prior notice, and if not possible because of emergent and imminent danger, shall notify the occupant promptly afterwards. Ten days after notification as outlined in this Sec. 22-6(a), the City may remove any communications facilities that obstructs the progress of a public project. All costs associated with any removal or protection of communications equipment shall be the sole responsibility of the provider.
- (7) Abandonment of facilities.
- a. Any occupant of the public ROW that intends to permanently discontinue use of any facilities within the public ROW shall notify the City in writing within 30 days prior to abandonment. Such notice shall describe the facilities for which the use is to be discontinued, and the date of discontinuance of use. Upon notification, the City will chose from the following options within 60 days or any other agreed upon option, and so notify the occupant of its decision:
 - 1. Abandon the facilities in place and the occupant shall further convey full title and ownership of such abandoned facilities to the City. The occupant is responsible for all obligations of the facilities, or other associated liabilities until the conveyance to the City is completed; or
 - 2. The facilities shall be removed and the occupant shall be liable for removing the facilities at its own cost. If an occupant fails to remove facilities that the City requires it to remove, after 90 days notice to the occupant, the City may perform the work and shall be entitled to collect the cost from the occupant its successors and/or assigns.

(b) Additional requirements.

- (1) **General.** All deployments of communications facilities in the public ROW shall comply with the following:
 - a. Compliance with ADA and other applicable Federal, State and local Laws and standards.
 - b. Pedestrian and vehicular traffic and safety requirements established by the City.
 - c. Existing public ROW occupancy or management ordinances, not otherwise inconsistent with this chapter.

- (2) **Design Standards.** All aboveground communications facilities in the public ROW requiring administrative review only shall conform to the following non-discriminatory design guidelines generally applicable to all facilities in the public ROW.
 - a. Add shape and other requirements for attachments and ground- based equipment.
 - b. If the proposal involves collocation on or replacement of a decorative pole, such collocation or replacement must comply with Sec. 22-7 below.
 - c. If the proposal involves attachment to or a new pole or tower on or adjacent to a historic property, consider further requirements.
 - d. Reasonable public safety standards.
 - e. Reasonable stealth and concealment requirements that are consistent and set forth in writing, provided that such design standards may be waived by the City upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense.

- (3) **Placement of facilities.** The Director of Public Works and Engineering may assign specific corridors within the public ROW, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology that the Director of Public Works and Engineering expects will someday be located within the public ROW. All excavation, obstruction, or other permits issued by the Director of Public Works and Engineering involving the installation or replacement of facilities shall designate the proper corridor for the facilities.

- (4) **Underground construction.**
 - a. **Placement.** Unless agreed to in writing by the City in advance, underground facilities may, in general be placed between the property line and the curb line of all streets and avenues. Underground facilities shall have consistent alignment parallel with the edge of pavement and, unless agreed to in writing by the City, shall have a minimum [two-foot - OR consider local conditions] horizontal and vertical clearance from other underground utilities and their appurtenances.
 - b. **Depth.** Unless agreed to in writing in advance by the City, the depth of installed facilities shall be, at a minimum, measured from the bottom of the facility to the top of the cable, as follows:

1. If the road style and other conditions permit, microtrenching no more than 16 inches in soil;
 2. Twenty-four inches in soil; (may be up to 48" depending on local conditions);
 3. Twenty-four inches below a projected slope from the flowline of a ditch at a three horizontal and one vertical slope;
 4. Forty-eight inches under a roadway measured from the surface of said roadway to the top of the installation;
 5. Forty-eight inches under a stormwater or creek channel design flowline; and
 6. Twenty-four inches under all water and natural gas lines.
- c. **Excavations.** Excavations shall be promptly backfilled according to authority standards and the earth shall be restored to original grade and condition to assure no hazard to vehicular or pedestrian traffic. The public ROW occupant shall perform all necessary compaction tests in accordance with the latest design and construction specifications approved and disseminated by the City setting forth requirements for backfill and paving cut repairs (e.g., standard concrete pavement cut and repair; standard asphalt pavement cut and repair, etc.).
- d. **Repair and replacement.** The repair or replacement of any sidewalk, any driving surface and the base of any roadway shall comply with authority standards, pursuant to engineering plans on file with the City and may require additional removal to the nearest joint in all directions. Performance and payment of such repair and restoration shall be the responsibility of the applicant, unless the City elects, in its sole discretion, to perform such repair or restoration, in which case applicant will reimburse authority for all actual and reasonable costs within 30 days of demand by authority for payment.
- e. **Trench work.** A ROW occupant shall not proceed with additional trench work exceeding 100 feet of open trench without the approval of an authority inspector.
- f. **Casement.** Underground conduit shall be placed in such a manner so it can be located by any public ROW occupant. All conduit should have sequentially marked footage at every foot. The approved methods of locating conduit are by using locatable pull tape, installing a ground wire, using a toneable duct or installing armored cable. All public ROW occupants shall make all reasonable efforts to ensure that all existing facilities shall be marked during the normal course of business.
- g. **Construction signage.**
1. Any permittee excavating or obstructing any portion of the ROW shall erect a temporary sign displaying either: (1) The names of the public ROW occupant, any contractors and/or subcontractors involved in the project and the City Permit number authorizing said activity; or (2) the names of the public ROW occupant and a local telephone number or toll free number manned during regular business hours

by an individual who is knowledgeable about the construction project. The sign shall be visible from any adjacent traffic lane and shall be maintained throughout the duration of the project.

2. All vehicles used, parked or stored by or on behalf of a public ROW occupant or permittee within a permitted construction zone shall be clearly marked, providing the name of the facility's owner, the permittee, the contractor or subcontractor. Any unmarked vehicles shall be subject to all moving and parking ordinances. Private vehicles shall not be permitted to be parked or stored within any permitted work zone at any time.
3. A copy of the current Permit shall be maintained on each work site, and shall be presented upon request to any authority representative.

(c) **Mapping data.** Applicants shall provide to the Director of Public Works and Engineering information indicating the horizontal and approximate vertical location, relative to the boundaries of the public ROW, of all equipment which it owns or over which it has control and which is located in any public ROW. Mapping data shall be provided with the specificity and in the format requested by the Director of Public Works and Engineering for inclusion in the mapping system used by the Director of Public Works and Engineering.

(d) **Existing Utility Easements in the Public Right of Way.**

- (1) Applicants will work with the Director of Public Works and Engineering to coordinate and protect existing utilities in the public ROW.
- (2) Applicants will coordinate with the Director of Public Works and Engineering all public safety considerations prior to and during installation in the public ROW to ensure public safety response in the case of gas line, water line or electricity disturbance.

Sec. 22-7. Attachment to and Replacement of Decorative Poles.

- (a) Notwithstanding anything to the contrary in this chapter, an applicant may install a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole that is in keeping with the aesthetics of the existing decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following additional requirements:
- (1) Issuance of a permit under Sec. 22-3(a) above.
 - (2) The attachment and/or the replacement pole is in keeping with the aesthetics of the decorative pole in the judgement of the City.

Sec. 22-8. Batch Applications.

- (a) An applicant may submit simultaneously not more than 25 applications for a network of multiple communications facilities within adjacent, related geographic areas of the City if the population of the City is 100,000 or more, or not more than five applications if the population of the City is less

than 100,000. Alternatively, applicant may file a single, consolidated application covering such facilities.

Sec. 22-9. Design Standards.

All aboveground communications facilities to be installed outside of the public ROW and requiring administrative review only shall conform to the following non-discriminatory design guidelines generally applicable to similar communications facilities outside of the public ROW.

- (a) Height, size, color
- (b) Structure design/style (new/replacement use cases)
- (c) Structure classification for existing towers shall be evaluated under the latest version of ANSI/TIA-222
- (d) Excluded poles and mitigation approach (including authority requirement to "facilitate alternative location recommendation")
- (e) Default aesthetic approach per facility [provide details regarding acceptable aesthetics and consider including details for installations that are aesthetically similar to other installations already placed within the public ROW]
- (f) Default construction approach per facility including powering and metering
- (g) Default structural integrity/remediation approach per facility
- (h) Default electrical integrity/remediation approach per facility
- (i) Default set-backs
 - (1) Setbacks for ground-mounted equipment.
 - (2) Ground-mounted equipment for Wireless Facilities, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Facility or tower. Any equipment not used in direct support of such operation shall not be stored on the site.
 - (3) Ground-mounted equipment for wireless facilities must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the City.
- (j) Lighting and marking
 - (1) Towers shall not be lighted or marked unless required by, and compatible with requirements of, the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). In all districts, appropriate security lighting meeting generally applicable standards for security lighting for the district shall be permitted.
- (k) Fencing/landscaping/signage.
 - (1) Fencing.

- a. Towers shall be secured and enclosed with a fence not less than 6 feet in height as deemed appropriate by the City.
 - b. The City may waive the requirement of Sec. 22-9(k)(1)a above if it is deemed that a fence is not appropriate or needed at the proposed location.
 - c. For locations where decorative fencing is otherwise required, the City may allow chain link fence if decorative fence poses a risk for security or vandalism.
 - d. For towers located within a floodplain where the ground equipment will be elevated on platforms, the City may waive any decorative fencing requirement in favor of chain link.
- (2) Landscaping. In all districts, the City shall have the City to impose reasonable landscaping requirements surrounding the any ground-mounted equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The City may choose to not require landscaping for sites that are not visible from the public ROW or adjacent property or in instances where in the judgment of the City, landscaping is not appropriate or necessary.
- (3) Signage. Signs located shall be limited to ownership and contact information, FCC's "Antenna Structure Registration" information (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
- (4) Other Decision factors.
- a. Collocation analysis.
 - b. Alternative site analysis.

Sec. 22-10. "Dig Once" Requirements.

(a) Requirements for new developments.

- (1) For all new commercial, residential, mixed use and other significant planned developments, the City of Statesboro Department of Planning and Development may require that the project developer publicly offer to coordinate with providers who operate, or have applied for, facilities in the City to ensure the public ROW and any planned utility easements are adequate to accommodate the deployment of both aboveground and underground communications facilities. Specifically, planned utility easements should allow for an adequate number of huts, utility poles and other structures, as well as belowground conduit, to adequately serve current and anticipated communications facilities. Access to easements should be provided to providers on a non-discriminatory basis and at a reasonable cost, or pursuant to applicable Laws.
- (2) In instances where a project developer chooses to install conduit for belowground communications facilities, the developer should be encouraged or required to provide on a non-discriminatory basis and reasonable cost access to the planned utility easement areas. In addition, access to easements and trenches should be made available to providers as early in

the development cycle as possible to minimize installation costs and disruption to residents, businesses, institutions and governments, and their property. The project developer should be encouraged to promote coordination among providers and other utilities so that each can benefit from the other's construction activities to allow timely and efficient access.

Sec. 22-11. Exceptions to Applicability of this chapter.

- (a) Notwithstanding anything to the contrary in this chapter, the following facilities are not subject to the provisions of this chapter:
- (1) Antennas used by residential households solely for broadcast radio and television reception;
 - (2) Satellite antennas used solely for residential or household purposes; and
 - (3) Television and AM/FM radio broadcast towers and associated facilities.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, Planning & Housing Administrator

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *Chapter 26, Cemeteries: Ordinance Amendment*

Recommendation: Planning Commission recommends the Adoption of the amended code

Background: At the request of City Council in 2022, the City hired TSW as consultants for the creation of a new Unified Development Code, which incorporated items both directly and indirectly related to zoning. It is now requested that Council adopt the amended Cemetery Ordinance.

Budget Impact: None

Council Person and District: All

Attachments: Ordinance 2023-14 & Draft Ordinance

ORDINANCE # 2023- 14:
AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 26: CEMETERIES OF THE CITY OF STATESBORO CODE OF
ORDINANCES

WHEREAS, many of the current cemetery regulations do not align with existing state codes and best practices; and

WHEREAS, many of these existing regulations have not been updated to reflect current practices and have been passed in precious decades

WHEREAS, amendments shall be made to ensure compliance with all state codes and regulations; and

WHEREAS, significant public input, including a stakeholder committee, public meetings, community open houses, and web-based surveys guided the has assisted in the creation of additional regulations as a part of the development of the Unified Development Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. That the text of Chapter 26, Sections 26-1 through Section 26-12 be amended and that said Exhibit "A" is hereby adopted and incorporated into this Ordinance by this reference.

Section 2. This Ordinance shall become effective on October 1, 2023.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are repealed.
APPROVED this 19st day of September, 2023 by the Mayor and Council of the City of Statesboro.

ATTEST:

Jonathan M. McCollar, Mayor

Leah Harden, City Clerk

CHAPTER 26 CEMETERIES

Sec. 26-1. Applicability of chapter; additional regulations.

All property owners and visitors within the East Side Cemetery Extension, and all lots hereafter to be sold therein, are and shall be subject to the rules and regulations set out in this chapter as formulated and adopted by the mayor and council, and subject further to such other and additional rules and regulations, amendments or alterations as shall be adopted by the city for the East Side Cemetery Extension, which is a public cemetery owned and operated by the city. Reference to such rules and regulations in instruments or deeds conveying the ownership of lots and the right of interment shall have the same force and effect as if such rules and regulations were set forth therein.

Sec. 26-2. Authority of city as to maintenance and improvements.

All grading, landscape work and improvements of any kind, and care of cemetery lots, shall be done, and all trees and shrubs shall be moved, and herbage of any kind shall be planted, trimmed, cut or removed, only by the city. Permanent planting of grasses, shrubs, flowers, etc., shall be made by the city, and further plantings may be permitted only at the discretion of the proper committee of the city. The whole cemetery is to be landscaped, and to keep it uniform all plantings shall be under the control of the city, as shall removal of rubbish when necessary, raking and cutting of grass, trimming of trees and shrubbery and other care that the city may deem necessary. The ownership of rights of interment in lots shall not convey any right to do planting or the like without express approval of the proper officials of the city. The city retains control and supervision of all lots that are sold in the sections subject to this chapter, and retains the right to have its city engineer enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment on such lot which may have been placed thereon and which may be considered objectionable or injurious to the lot, adjoining lots or the cemetery in general.

Sec. 26-3. Rights reserved by city.

The right to enlarge, reduce, replan or change the boundaries or grading of the cemetery, or of the sections, from time to time, including the right to modify and change the locations of or remove or regrade the roads, drives and walks, or any part thereof, is hereby expressly reserved to the city. The right to lay, maintain, operate or alter or change pipelines and gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as the right to use the land for cemetery purposes.

Sec. 26-4. Liability of city for loss or damage.

The city shall not be liable for loss or damage to property or rights of cemetery lot owners arising from causes beyond its control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

Sec. 26-5. Request for grave opening.

An order or request in writing is required of the lot owner or authorized mortician or funeral director before a grave in the cemetery is to be opened, giving the name, age, sex and date of decease, and the location of the grave in reference to the lot.

Sec. 26-6. Sale and resale of lots. Transfer between family members.

Only two cemetery lots shall be sold to any one person. In the event of the sale by an owner of either lot before the lot is used, it must first be offered to the city at a price not exceeding the original purchase price plus two percent per annum as interest. If the city refuses to purchase the lot, it may be then sold to an individual on the same basis and at no greater price. Transfers between family members are allowed by quitclaim. A copy of the quitclaim shall be provided to the city to document the transfer.

Sec. 26-7. Price of lots.

The price of burial plots in the East Side Cemetery Extension shall be fixed and determined by ordinance or resolution of the council.

Sec. 26-8. Use of lots.

- A. Family memorials. Only one central or family memorial shall be allowed on a family cemetery lot, which memorial shall be placed on the rear of the lot facing the drive, with one foot of clearance between the base of the memorial and the back of the property line of the lot; provided, however, that this subsection shall not apply to one additional marker, memorial or monument for a ~~soldier killed in World War II~~, United States military veteran, which may be placed on any lot in addition to the regular family memorial marker, but such an additional marker or monument shall correspond to and be controlled in size, shape and location by the restrictions on the family marker, and shall only be erected under the special supervision of the city engineer.
- B. Horizontal markers. If a horizontal marker is used on a grave, only material consisting of stone, marble or bronze may be used, and the top of the marker shall be placed flush with the finished grade of the surrounding ground.
- C. All Burials shall be in a vault. Depth of vaults. The top of any vault or container holding a body shall be placed at least 12 inches below the finished grade of the surrounding ground. Soil removed for burial shall be adequately compacted when replaced to prevent settlement. The funeral home responsible for the burial will be required to repair any settlement within one year of burial.
- D. Borders, enclosures and walks. No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot, and no walks of brick, cinders, tile, stone, marble or terracotta, sand, cement, gravel or wood shall be allowed on any lot. The city shall have the right to remove such borders, enclosures and walks if so erected or placed.
- E. Liability of city. While the city shall exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure on any lot, it shall not be liable for any damage or injury thereto.

- F. Prohibited uses. The following addition objects and uses shall be prohibited:
- 1 Arbors, trellises, and hanging planters;
 - 2 Glass boxes, shells, toys, settees or ornaments; this includes solar lights, wind chimes and picture tarps.
 - 3 Grave blankets;
 - 4 Junk and garbage;
 - 5 Marbles, pebbles, beads, and similar objects capable of being thrown at high velocity by a when mowed over by a lawn mower;
 - 6 Pinwheels;
 - 7 Statuary ~~more than 18 inches high,~~ unless integral to the monument;
 - 8 Benches
 - 9 Any other object that poses a danger to the public health safety and welfare; and
 - 10 Any other object that limits the city's ability to maintain the cemetery.

Sec. 26-9. Removal of dead plants or flowers, decayed artificial flowers and flags.

- a) The city shall reserve the right to remove all cut flowers and pot plants in the cemetery that may be dead or otherwise objectionable, and will hold the plants or the containers for two weeks after their removal, using ordinary care and diligence for their protection and safety, but shall assume no further liability in connection therewith. Owners shall call for the plants or containers within the specified time. Flowers may only be placed at a headstone. Multiple flower arrangements will only be allowed for six weeks following burial. After that time only one flower arrangement per grave will be allowed. Artificial Flowers that have decayed to the point pieces are falling off will be removed. Any group that places numerous flags in the cemetery must get approval from the City before doing so. These same flags may only be placed at a head family tombstone. The flags must be removed after sixty days. Any flags that are blown down by acts of nature or decay will be appropriately disposed of.

Sec. 26-10. Injuring or disturbing trees or plants; disturbing bird or animal life.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants or disturbing bird or other animal life in the cemetery.

Sec. 26-11. Posting signs or advertisements.

No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the city.

Sec. 26-12. Unauthorized persons prohibited on grounds at night.

It shall be unlawful for any person to be present in any city cemetery at any time between sunset and sunrise for any purpose without consent of the city administrator.

Sec 26-13. Unmarked graves.

- A. Where evidence of an unmarked grave exists, either in the records of the cemetery or records of the city, the city or lot owner shall seek to locate unmarked graves using non-invasive or minimally invasive techniques such as rod probing or ground-penetrating radar, and similar proven methods of located graves without performing any land disturbing activity. When such techniques are inconclusive due to wet soils or other soil conditions, surface stripping may also be undertaken under the supervision of a trained archeologist.
- B. Where an unmarked grave is located using the techniques identified in “A” immediately above, neither the body nor any burial artifacts shall be disturbed or removed, except under “C” and “D” immediately below, however, any grave markers identified below the ground surface may be uncovered fallen markers may be placed upright in their presumed original location.
- C. Removal may only be allowed when proof is tendered that the person requesting removal is the next of kin and has the right of removal. A copy of this proof must be tendered to the city engineer at the time of removal with payment therefor, and the city shall be supplied by the person requesting removal with a statement of indemnity by the person releasing the city from liability by the performance of the removal.
- D. No person shall buy, sell, barter, exchange, give, receive, possess, display, discard, or destroy human skeletal remains from an unmarked burial site or burial artifacts. However, any human skeletal remains or burial artifacts from an unmarked burial site which come into East Side Cemetery from any foreign country or any other state or territory of the United States and are documented to have been obtained lawfully under the laws of the respective country, state, or territory may be given, received, studied, or displayed without violating this Chapter.

Sec 26-14. Burials in wrong lot, Burials without Payment, other issues.

The city will be the ultimate arbitrator for resolving issues with errors in burials. Where possible it will be resolved without disinterment but if required it will be the responsibility of the funeral home responsible for the burial.

Sec 26-13. Unused graves where the original purchaser has passed.

When there are unused graves in a family plot and their disposition was not addressed in settlement of the estate then the heirs should resolve the disposition between themselves. If they cannot then it should be resolved by a court of law. The city will not determine who has the best legal claim to the vacant spaces.

CITY OF STATESBORO

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Leah Harden, City Clerk
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To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, Planning & Housing Administrator

Date: August 29, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *Chapter 38, Environment: Ordinance Amendment*

Recommendation: Planning Commission recommends the Adoption of the amended code.

Background: At the request of City Council in 2022, the City hired TSW as consultants for the creation of a new Unified Development Code, which incorporated items both directly and indirectly related to zoning. It is now requested that Council adopt the amended Environment Ordinance.

Budget Impact: None

Council Person and District: All

Attachments: Ordinance 2023-15 & Draft Ordinance

ORDINANCE # 2023- 15:
AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 38: ENVIRONMENT OF THE CITY OF STATESBORO CODE OF
ORDINANCES

WHEREAS, many of the existing environmental regulations are not in compliance with existing engineering best practices; and

WHEREAS, amendments shall be made to ensure compliance with all state codes and regulations; and

WEREAS, many of the generally noted environmental regulations have been adopted as a part of the Unified Development Code of the City of Statesboro; and

WHEREAS, significant public input, including a stakeholder committee, public meetings, community open houses, and web-based surveys guided the process and has assisted in the creation of additional regulations as a part of the development of the Unified Development Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. That the text of Chapter 38, Section 38-1 through Section 38-166 of the Code of Ordinances be amended and that said Exhibit "A" is hereby adopted and incorporated into this Ordinance by this reference.

Section 2. This Ordinance shall become effective on October 1, 2023.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance are repealed.
APPROVED this 19st day of September, 2023 by the Mayor and Council of the City of Statesboro.

ATTEST:

Jonathan M. McCollar, Mayor

Leah Harden, City Clerk

CHAPTER 38 ENVIRONMENT

ARTICLE I. IN GENERAL

Sec. 38-1. Discarded, dismantled vehicles on public or private property.

- (a) It shall be unlawful for any person to have in his possession or on his premises, or on any street or land in the city, any discarded, dismantled, wrecked, scrapped, ruined or junked motor vehicle or parts thereof; and the city, when requested by the owner, for when such motor vehicles are in such a condition that they constitute a health hazard or unsightly nuisance, may remove and dispose of such motor vehicles notwithstanding the fact that such motor vehicles may be located upon private property.
- (b) When the city, in its discretion, determines that any vehicle in the condition set out in subsection (a) of this section should be removed, the city shall cause such vehicle to be moved and sold, and if the vehicle has any monetary value, the proceeds received from the sale that exceed the cost of wrecker service and other expenses incidental to the moving of such vehicle shall be given to the owner of such vehicle upon his application for such funds at any time within ten days after the removal of such vehicle.
- (c) If the owner of the vehicle is unknown, or any funds for the sale of the vehicle remain in the hands of the city, and no application is made by the owner within 30 days from the date of its seizure, the funds shall be forfeited and become the property of the city. The city will give notice to the public of any funds remaining in its hands by publication of the notice in one issue of the official organ of the county.
- (d) Nothing contained in this section shall be deemed to apply to any such motor vehicle which shall be located within the premises of any junkyard or automobile garage complying with the laws of this state relating to the licensing and regulating of motor vehicle junkyards and automobile garages.

ARTICLE II. NUISANCES

Sec. 38-26. Definitions

The following definitions shall apply in the enforcement and application of this chapter:

- (1) Applicable codes means:
 - a. Any optional housing or abatement standard provided in O.C.G.A. tit. 8, ch. 2, as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
 - b. Any fire or life safety code as provided for in O.C.G.A. tit. 25, ch. 2; and

- c. Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. tit. 8, ch. 2 after October 1, 1991, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those buildings or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
- (2) Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (3) Drug crime means any act which is a violation of O.C.G.A. § 16-13-20 et seq., commonly referred to as the "Georgia Controlled Substances Act."
- (4) Dwellings, buildings or structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith, and also includes any building or structure of any design.
- (5) Governing authority means the Mayor and Council of the City of Statesboro, Georgia.
- (6) Interested parties means:
 - a. An owner;
 - b. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
 - c. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
 - d. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the city or records maintained in the Bulloch County Courthouse or by the Bulloch County Clerk of Court. Interested parties shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded, which interest shall remain unaffected; and
 - e. Persons in possession of said property and premises.
- (7) Municipal court means the Municipal Court of the City of Statesboro, Georgia.
- (8) Nuisance means any condition which tends to the immediate annoyance of the public in general, is manifestly injurious to the public health or safety, or tends greatly to corrupt the manners, and morals of the public. For purposes of this chapter, but not limited thereto, the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the residents of the city, including vacant, dilapidated structures in which drug crimes are being committed, for which a public necessity exists for the repair, closing or demolition of such structures that are declared to be public nuisances. Any private property within the city on which there has been allowed to accumulate weeds, trash, junk, filth and other unsanitary or unsafe conditions, and any private property that allows water to escape and pond, run through or collect on the

premises of another, or to collect pond, or run through any of the streets, alleys or other property of the city is hereby declared to be a public health hazard or nuisance to those persons living in the vicinity.

- (9) Owner means the holder of the title in fee simple and every mortgagee of record.
- (10) Public officer means those officers and employees of the city, Bulloch County or the State of Georgia whose duties include code enforcement and inspections within the city, including, without limitation, the city marshal, the director of public safety for the City of Statesboro, the city manager, the director of community development, the fire commander for the City of Statesboro, the Bulloch County Fire Chief, the Bulloch County Health Inspector, and the state fire marshal.
- (11) Repair means altering or improving a dwelling, building or structure so as to bring the structure into compliance with the applicable codes of the city and the cleaning or removal of debris, trash and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure.
- (12) Resident means any person residing in the city on or after the date on which the alleged nuisance arose.

Sec. 38-27. Jurisdiction.

The municipal court shall have jurisdiction to try issues concerning the existence and abatement of public nuisances within the geographical limits of the city in accordance with the provisions of O.C.G.A. § 41-2-5.

Sec. 38-28. Standard for determination of nuisances.

- (a) It is the duty of the owner of every dwelling, building, structure or property within the city to construct and maintain such dwelling, building, structure or property in conformance with applicable codes of the city or such ordinances that regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such applicable codes.
- (b) A finding of noncompliance of any building, fire, health, sanitation or life safety code, regulations or ordinance now or hereafter adopted by the city shall constitute prima facie evidence that a public nuisance exists. Any written citation served upon an owner by a public officer charged with code enforcement shall specify the code section deemed to be violated and state sufficient details to apprise the owner of the basis for the citation.
- (c) Public officers charged with code enforcement shall have the following powers and duties:
 - (1) To investigate or inspect the conditions existing on any private property within the city to determine which dwelling, building, structure or property are unfit for human habitation; are unfit for current commercial, industrial or business use and not in compliance with applicable codes; or are vacant and being used in connection with the commission of drug crimes; constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe

- conditions; or tends to the immediate annoyance of the public in general, is manifestly injurious to the public health or safety, or tends greatly to corrupt the manners, and morals of the public;
- (2) To administer oaths and affirmations, to examine witnesses and to receive evidence;
 - (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (4) To appoint and fix duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter; and
 - (5) To delegate any of his functions and powers under this chapter to his employees as he deems necessary to carry out the purposes of this chapter.
- (d) In addition to specified code violations noticed without limiting the generality of the foregoing, the following conditions are subject to abatement:
- (1) Defects increasing the hazards of fire, accidents or other calamities, including improper storage of material on the premises;
 - (2) Lack of adequate ventilation, light or sanitary facilities;
 - (3) Dilapidation and disrepair, including those structures which have been damaged by fire, wind or other causes such that 35 percent or more of the external structure and roof have been destroyed or structural members weakened;
 - (4) Sanitation and general uncleanliness, including improper keeping of pets and animals on the premises, and improper disposal of human and animal waste;
 - (5) Accumulation of trash, weeds, debris, junk, filth, standing or stagnant water, and other unsafe conditions; and
 - (6) Vacant, unsecured dwellings, building or structures in which drug crimes have been committed.
- (e) The public officer may determine that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes committed.

Sec. 38-29. Procedure for abatement of nuisances; service.

- (a) A proceeding to abate a public nuisance may be commenced under this chapter by filing a complaint in the name of the city against the respondent in the municipal court, specifically setting forth therein the facts of the alleged nuisance. Upon the written petition of five or more residents of the city charging that any dwelling, building, structure or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall

make an investigation or inspection of the specific dwelling, building, structure or property. If the officer's investigation or inspection identifies that any dwelling, building, structure or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building or structure.

- (b) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance.
- (c) The summons shall notify the interested parties that a hearing will be held before the Municipal Court of the City of Statesboro at a date and time certain. Such hearing shall be held not less than 15 calendar days nor more than 45 calendar days after the filing of said complaint in the proper court.
- (d) For service of complaints and orders:
 - (1) At least 14 calendar days prior to the date of the hearing, the city manager or their designee shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable or personally serve copies of the complaint upon all interested parties. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 calendar days prior to the date of the hearing.
 - (2) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
 - (3) A notice of lis pendens shall be filed in the office of the Bulloch County Superior Court Clerk at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
 - (4) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this chapter on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.
 - (5) In the event the respondent is a minor, an estate or incompetent person, the guardian or other personal representative shall be served in the manner hereinabove provided; however,

if such party has no guardian or personal representative, service shall be perfected by personally serving the probate judge of Bulloch County, Georgia, who shall stand in the place of and protect the rights of such person or appoint a guardian ad litem for such person.

Sec. 38-30. Procedure for hearings; findings by court; abatement.

- (a) Whenever a public officer finds conditions within the geographical limits of the city that the public officer believes constitute a public nuisance as provided in this chapter, the public officer shall notify the city manager, or their designee, who may forthwith cause to be filed a complaint in the name of the city seeking to abate the conditions on grounds it constitutes a public nuisance.
- (b) At the hearing, the burden shall be upon the city to prove its complaint by competent evidence. The responding party(s) shall have the right to file an answer to the complaint and to appear in person or by counsel, to present evidence and to cross-examine the city's witnesses.
- (c) If, after hearing, the court determines that dwelling, building, structure or property is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the judge shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
 - (1) If the repair, alteration or improvement of the dwelling, building or structure can be made at reasonable cost in relation to the present value of the dwelling, building or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - (2) If the repair, alteration, or improvement of the dwelling, building or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.
- (d) For the purposes of this subsection, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. tit. 43, ch. 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvements of the structure shall be the cost necessary to bring the

structure into compliance with the applicable codes of the city relevant to the cited violations of city code.

- (e) If the owner fails to comply with an order to repair or demolish the dwelling, building or structure within the time specified therein, the city manager, or their designee, may cause the dwelling, building or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 calendar days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 calendar days in which such abatement action must commence. The Public Officer shall cause to be posted on the main entrance of the building, dwelling or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupancy of this building is prohibited and unlawful."

- (f) If the city manager or their designee has the structure demolished, then reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The city manager or their designee and the city are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (g) The cost of bringing a complaint pursuant to this chapter, together with any costs reasonably incurred by the city in abatement of a public nuisance after determination thereof by a court of competent jurisdiction, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be in a lien against the real property upon which such cost was incurred. Such lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the Bulloch County Superior Court Clerk and shall relate back to the date of the filing of the lis pendens notice. The Bulloch County Superior Court Clerk shall record and index such certified copy of the order in the Bulloch County deed records and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- (h) The city may enforce its lien in the following manner:
- (1) Upon final determination of costs, fees, and expenses incurred in accordance with this chapter, the city manager or their designee shall transmit to the city clerk a statement of the total amount due and secured by said lien, together with copies of all notice of lis pendens

provided to interested parties. The statement of the city manager or their designee shall be transmitted within 90 calendar days of completion of the abatement, repairs, demolition, or closure. It shall be the duty of the city revenue officer who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. tit. 48, ch. 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply.

- (2) Enforcement of liens pursuant to this chapter may be initiated at any time following receipt by the city clerk of the final determination of costs in accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.
 - (3) The redemption amount in any enforcement proceeding pursuant to this chapter shall be the full amount of the costs as finally determined in accordance with this chapter together with interest, penalties, and costs incurred by the governing authority, county tax commissioner, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (i) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the city agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
 - (j) Nothing contained herein shall prevent or prohibit the court from punishing by its contempt powers any owner or parties in interest that willfully fail or refuse to comply with an order entered in accordance with this chapter.

Sec. 38-31. Temporary injunction restraining public officer from carrying out provisions.

As authorized by O.C.G.A. § 41-2-13, any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 calendar days of the posting and service of the order of the public officer. De novo hearings shall be had by the court on petitions within 20 calendar days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Code Section.

Sec. 38-32. Appeal.

Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

Sec. 38-33. Eminent domain.

Nothing in this chapter shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state, nor is permitting any property to be condemned or destroyed except in accordance with the police power of this state.

Sec. 38-34. Additional penalties for failure to comply with orders of municipal court judge and city ordinance.

- (a) Notwithstanding any other provisions of this chapter to the contrary, the failure of the owner and parties in interest to comply with an order to vacate and close a dwelling, building or structure and clean the premises, or the failure of an owner and parties in interest to comply with an order to remove or demolish a dwelling, building or structure, or failure of an owner and parties in interest to comply with an order to take remedial action necessary to render the dwelling, building or structure fit for human habitation or occupancy, and to comply with the minimum standards set forth in the city's housing code within the time limit set out in such order, shall be deemed to be a separate offense for each day of such failure to comply with such order, and shall subject the owner and parties in interest to a fine of up to \$100.00 per day for each such offense.
- (b) Any fine or penalty imposed under this section may be imposed by the court hearing the case on his own motion at the hearing or as the result of a motion and hearing for such purpose brought by a party to such proceedings. Until paid, any such fine or penalty so imposed shall also constitute a lien against the property which is the subject of the proceedings in favor of the city, and notice of such lien shall be given by the recording of the order in the office of the city clerk on a lien docket maintained for such purposes and in the deed records of the clerk of the Superior Court of Bulloch County. Upon payment, such lien shall be cancelled of record.

Sec. 38-35. Use of revenues, grants and donations to repair, close or demolish unfit dwellings, building or structures.

The governing body is authorized to make such appropriations from its revenues as it may deem necessary or appropriate and may accept and apply for and utilize grants or donations to assist it in carrying out the provisions of this chapter.

Sec. 38-36. Sec. Applicability of chapter.

The powers and authority granted hereunder shall be in addition to and supplemental of any other powers and authority granted to the governing body of the city and its agents by any state statute or ordinance of the city; provided, however, that in the event of a conflict between this chapter and the Standard Existing Building Code and/or Standard Unsafe Building Abatement Code, the provisions of this chapter shall apply.

ARTICLE III. RESERVED

ARTICLE IV. RESERVED

ARTICLE V. RESERVED

ARTICLE VI. RESERVED

ARTICLE VII. COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Sec. 38-160. Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, the mayor and council in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Sec. 38-161. Definitions.

Blighted property, blighted, or blight means any urbanized or developed property which:

- (1) Presents two or more of the following conditions:
 - a. Uninhabitable, unsafe, or abandoned structure;
 - b. Inadequate provisions for rain, ventilation, light, air, or sanitation;
 - c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
 - d. A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
 - e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or

- f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
- (2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of esthetic conditions.

Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

Code official means the city manager or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Governing authority means the mayor and council of the City of Statesboro, a Georgia municipal corporation.

Millage or **millage rate** means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or part, the levying jurisdiction's general fund expenses for the fiscal year.

Person means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

Sec. 38-162. Levy of increase ad valorem tax on blighted real property.

There is hereby levied on all property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of 0.01 to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, residential property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increase taxation.

Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit buildings and structures.

Sec. 38-163. Official identification of property maintained in blighted condition.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
 - (1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

- a. A request may be made by the code official or by at least one resident of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
 - b. The code official may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
 - c. Any individual request or survey produced under this subsection shall be reviewed, amended as desired, and approved at open meeting by mayor and council before any further action is undertaken.
- (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the code official. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by an inspector possessing the requisite qualifications to determine minimal code compliance.
- (3) Following completion of the inspection report, the code official shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
- (4) The code official shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Bulloch County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the code official that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.
- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the code official's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the code official's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the municipal court. Written request for hearing shall be filed with the code official and shall be date

stamped upon receipt. Upon receipt of a request for hearing, the code official shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

- (c) Within 30 days of receipt of a request for hearing, the municipal court clerk shall set a date, time, and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the code official and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Statesboro Herald, or other designated legal organ in Bulloch County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the code official shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the code official and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the code official. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Bulloch County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the court affirming the determination of the code official may petition the Superior Court of Bulloch County for a writ of certiorari within 30 days of issuance of the court's written determination.

Sec. 38-164. Remediation or redevelopment to remove designation of blighted condition.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the code official to lift the designation, upon proof of compliance with the following:
 - (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's director of planning and development which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to article II of this chapter.
- (b) Before action on a petition to lift the designation, the code official shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the code official shall issue a written

determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Bulloch County.

- (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the city's director of planning and development, and contain the following:
- (1) The plan shall be consistent with the City's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the properties lies;
 - (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization, and landscaping of the property;
 - (3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
 - (4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
 - (5) The plan shall contain a timetable for completion of required work; and
 - (6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 38-165. Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Property which has had its designation as being maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of city ad valorem taxation equivalent to 50 percent of the normal millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to three years tax bills.

Sec. 38-166. Duty of code official to provide notice to county tax commissioner.

It shall be the duty of the building official to notify the Tax Commissioner of Bulloch County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Bulloch County Tax Assessor's Office. The code official shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: City Manager Charles Penny & City Clerk Leah Harden

From: Tax Department

Date: 8/24/2023

RE: Parkers #20

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6-13 (a):

No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

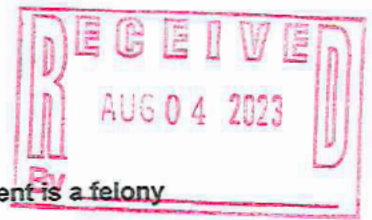
Recommendation: Planning & Development, Fire Department, Police Department, and Legal recommended approval

Budget Impact: None

Council Person & District: John Riggs, District 4

Attachments: Application & Department Approvals

Application for License to Sell Alcoholic Beverages
City of Statesboro, Georgia



Please be advised that knowingly providing false or misleading information on this document is a felony pursuant to O.C.G.A. § 16-10-20 which states:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable \$200 application fee must be tendered with the application. (cash, credit card, certified check, or money order made payable to City of Statesboro)

Date application was received by tax/license office: _____

1. Business Trade Name: Parker's #20 _____

D/B/A Name

2. Applicant's Name: Gregory M. Parker, Inc. _____

Name of partnership, llc, corporation, or individual

3. Business Physical Address: 141 Lanier Drive, Statesboro, Georgia 30458 _____

4. Business mailing address: 171 Crossroads Parkway, Savannah, GA 31407 _____

5. Local business phone number: 912-681-7007 _____

Corporate office phone number: 912-231-1001 _____

6. Name of Manager: Rashad D. Keel _____

Person responsible for alcohol licensing issues

7. Phone number for manager: [REDACTED] _____

8. Email address for manager: [REDACTED] _____

9. Address of manager: [REDACTED] _____

10. Purpose of application is:

New Business _____ New Owner _____

Previous owner's name: _____

If the business name has changed, list previous name: _____

If the business address has changed, list the previous address: 1899 Chandler Road

Statesboro, GA 30458

11. Indicate where the business will be located:

- Above ground
 Street or ground floor level

Section 6-10(D) Any person within the City of Statesboro who works as a bouncer, either as an employee, agent, or subcontractor whose responsibilities in an establishment that is licensed to sell alcoholic beverages for on-premises consumption shall have their alcoholic beverage security permit on their person at all times while acting as an employee, agent or subcontractor of the licenses. An alcoholic beverage security permit shall be readily available for inspection upon the request of any Statesboro Police Department Officer, City Code Enforcement Officer, or the City Manager/his designee.

12. Type of Business: Individual Corporation Partnership LLC

Complete EITHER numbers 13, 14, and 15 OR 16, 17, and 18 in the section below:

13. If applicant is an individual: Attach a copy of the trade name affidavit. N/A

Full Legal Name: _____ Phone #: _____

Home Address: _____

Have you completed the financial affidavit attached to this application? _____

14. If applicant is a partnership, LLC, or LLP: Attach trade name affidavit. If an LLC or LLP, attach a copy of certificate of LLC or LLP as filed with the Clerk of Superior Court and trade name affidavit, a copy of your operating agreement and/or partnership agreement, as well as other documents listed below that establish ownership rights of members or partners. N/A

Name & address of partnership, LLC, or LLP: _____

Do you have an operating or partnership agreement for the LLC, LLC, or partnership? _____

If not, what documents establish the ownership rights of the members/partners? _____

15. Members of LLC and/or partners: N/A

Full Legal Name: _____ Phone #: _____

Home Address: _____

Full Legal Name: _____ Phone #: _____

Home Address: _____

Full Legal Name: _____ Phone #: _____

Home Address: _____

Has each member/partner completed a financial affidavit to attach to this application? _____
(Attach additional pages if necessary)

Corporation/Stockholders: All corporate applicants who are corporations shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

16. If applicant is a corporation: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

Name of Corporation: Gregory M. Parker, Inc.

Home Office address: 171 Crossroads Parkway, Savannah, GA 31407

Mailing address (if different): _____

Date & Place of incorporation: 10/18/1988 Georgia

Do you have a shareholders agreement?: No

If not, what documents establish the ownership rights of the shareholders? Stock Certificates

17. Officers:

Full Legal Name: Gregory M. Parker Phone #: [REDACTED]

Home address: [REDACTED]

Percentage of stock owned: 100% Office held: CEO/Owner

Full Legal Name: Brandon Hofmann Phone #: [REDACTED]

Home address: [REDACTED]

Percentage of stock owned: 0% Office held: President

Full Legal Name: Keith Saltzman Phone #: [REDACTED]

Home address: [REDACTED]

Percentage of stock owned: 0% Office held: Treasurer

****Attach additional pages if necessary**** See attached Exhibit "A"

18. Stockholders: (if different than officer names) See attached Exhibit "A"

Full Legal Name: _____ Phone #: _____

Home address: _____

Percentage of stock owned: _____ Office held: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

****Attach additional pages if necessary****

Has each shareholder completed the financial affidavit attached to this application? Yes

19. If there is any individual or officer who has resided at his/her current address LESS THAN 5 years, complete the information below: N/A

Name: _____ Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Name: _____ Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Name: _____ Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

20. Name & address of owner of the property (land & building) where the business will be located:

Landowner: Layton Land, LLC - [REDACTED] and Bonnie Screws [REDACTED]

Tenant and Owner of Improvements: Drayton-Parker Companies, LLC [REDACTED]

21. Is the commercial space where the business is to be located rented or leased? Leased

If yes, state name and address of lessor or landlord, and provide a copy of the lease with this application:

Layton Land, LLC [REDACTED]

Bonnie Screws [REDACTED]

22. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits/receipts from the proposed business with any persons, firm, company, corporation, or other entity? No

If yes, provide name of person/firm, address, and amount of percentage of profits or receipts to be split:

23. Is there anyone connected with this business that is not a legal resident of the United States and at least 21 years of age? No

If yes, give full details on a separate sheet of paper.

If anyone connected with this business is not a US Citizen, can they legally be employed in the United States? No

If yes, please explain on a separate sheet of paper and submit copies of eligibility.

24. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other city/county in the State of Georgia, or other political subdivision and been denied such? No

If yes, please provide details on a separate sheet of paper.

25. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category? Yes

If yes, please provide details on a separate sheet of paper.

26. Is there anyone connected with this business that has been convicted within 15 years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations, or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred? No

If yes, please provide details on a separate sheet of paper.

27. Is there anyone connected with this business that has been convicted within 5 years immediately prior to the filing of this application of the violation of any state, federal, or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability there of a crime involving moral turpitude or of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident or any misdemeanor serious traffic offense? No
If yes, please provide details on a separate sheet of paper.
28. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last 3 year period? No
If yes, please provide details on a separate sheet of paper.
29. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity? No
If yes, please provide details on a separate sheet of paper.
30. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or the United States for the reason the same was being used or intended for the use in criminal activities? No
If yes, please provide details on a separate sheet of paper.
31. Will live nude performances or adult entertainment be a part of this business operation? No
If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

I, Rashad D. Keel, solemnly swear, subject to the penalties O.C.G.A. sec 16-10-20 as provided above which I have read and understood, that all information required in this application for license to sell alcoholic beverages and supporting documents is true and correct to the best of my knowledge and I fully understand that any false information will cause the denial or revocation of any alcohol license issued by the City of Statesboro license. I also fully understand that knowingly providing false information under oath in this affidavit will subject me to criminal prosecution and possible imprisonment.

Rashad D. Keel

Print full name as signed below

Rashad D. Keel Regional Manager 8/1/23
Signature of applicant Title Date

Sworn and subscribed before me this 1st day of August, 2023.

Lisa Bates
Notary Public

12/06/26
My commission expires



Calculation of Basic License Fee

For Calendar Year: 2023

<u>Classification:</u>	<u>Mark all that apply</u>	<u>License Fee</u>
1. Package Sales	<u>X</u>	\$1750
2. On Premise License Types		
A. Bar	<u> </u>	\$4300
B. Bar with Kitchen	<u> </u>	\$4300
C. Event Venue	<u> </u>	\$2500
D. Low Volume	<u> </u>	\$750
E. Pub	<u> </u>	\$5600
F. Restaurant	<u> </u>	\$2800
3. Caterer	<u> </u>	\$200
4. Brewer, manufacturer of malt beverages only	<u> </u>	\$1750
5. Broker	<u> </u>	\$1750
6. Importer	<u> </u>	\$1750
7. Manufacturer of Wine only	<u> </u>	\$1750
8. Sunday Sales Permit	<u> X </u>	\$300
9. In Room Service Permit	<u> </u>	\$150

Total Due: \$ 200.00

**Parkers #20
141 Lanier Dr
Statesboro, Ga 30458**

Please enter your recommendations and comments with your full name.

Alcohol License Review

Department Full Name Recommendation Comments

Planning & Development	Jermaine Foster	Approved	08-04-2023 The location for this proposed license is permissible. This property is zoned Commercial Retail (CR)
Fire Department	Andrew Cheney	Approved	
Police Department	Jared Akins	Approved	
Legal	Cain Smith	Approve	

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: City Manager Charles Penny & City Clerk Leah Harden

From: Tax Department

Date: 8/29/2023

RE: Birdies at the Mall- Bar with kitchen

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6-13 (a):

No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

Recommendation: Planning & Development, Fire Department, Police Department, and Legal recommended approval

Budget Impact: None

Council Person & District: Phil Boyum, District 1

Attachments: Application & Department Approvals

Application for License to Sell Alcoholic Beverages
City of Statesboro, Georgia



Please be advised that knowingly providing false or misleading information on this document is a felony pursuant to O.C.G.A. § 16-10-20 which states:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. **A non-refundable \$200 application fee must be tendered with the application.** (cash, credit card, certified check, or money order made payable to City of Statesboro)

Date application was received by tax/license office: _____

1. Business Trade Name: Birdies at the Mall
D/B/A Name

2. Applicant's Name: John Simmons
Name of partnership, llc, corporation, or individual

3. Business Physical Address: 325 Northside Drive East
Statesboro GA 30458

4. Business mailing address: _____

5. Local business phone number: 912-682-0000 0803
Corporate office phone number: N/A

6. Name of Manager: John Simmons
Person responsible for alcohol licensing issues

7. Phone number for manager: _____

8. Email address for manager: _____

9. Address of manager: _____

10. Purpose of application is:

New Business X New Owner _____

Previous owner's name: N/A

If the business name has changed, list previous name: _____

If the business address has changed, list the previous address: _____

11. Indicate where the business will be located:

- Above ground
- Street or ground floor level

Section 6-10(D) Any person within the City of Statesboro who works as a bouncer, either as an employee, agent, or subcontractor whose responsibilities in an establishment that is licensed to sell alcoholic beverages for on-premises consumption shall have their alcoholic beverage security permit on their person at all times while acting as an employee, agent or subcontractor of the licenses. An alcoholic beverage security permit shall be readily available for inspection upon the request of any Statesboro Police Department Officer, City Code Enforcement Officer, or the City Manager/his designee.

12. Type of Business: _____ Individual _____ Corporation _____ Partnership LLC

Complete **EITHER** numbers 13, 14, and 15 **OR** 16, 17, and 18 in the section below:

13. If applicant is an individual: Attach a copy of the trade name affidavit.

Full Legal Name: _____ Phone #: _____

Home Address: _____

Have you completed the financial affidavit attached to this application? yes

14. If applicant is a partnership, LLC, or LLP: Attach trade name affidavit. If an LLC or LLP, attach a copy of certificate of LLC or LLP as filed with the Clerk of Superior Court and trade name affidavit, a copy of your operating agreement and/or partnership agreement, as well as other documents listed below that establish ownership rights of members or partners.

Name & address of partnership, LLC, or LLP: yes


Do you have an operating or partnership agreement for the LLC, LLC, or partnership? _____



If not, what documents establish the ownership rights of the members/partners? _____

15. Members of LLC and/or partners:

Full Legal Name: N/A Phone #: _____

Home Address: _____

Full Legal Name: John Wayne Simmons Phone #: 

Home Address: 


Full Legal Name: _____ Phone #: _____

Home Address: _____

Has each member/partner completed a financial affidavit to attach to this application? _____
(Attach additional pages if necessary)

Corporation/Stockholders: All corporate applicants who are corporations shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

16. If applicant is a corporation: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

Name of Corporation: _____

Home Office address: _____

Mailing address (if different): _____

Date & Place of incorporation: _____

Do you have a shareholders agreement?: _____

If not, what documents establish the ownership rights of the shareholders? _____

17. Officers:

Full Legal Name: _____ Phone #: _____

Home address: _____

Percentage of stock owned: _____ Office held: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

Percentage of stock owned: _____ Office held: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

Percentage of stock owned: _____ Office held: _____

****Attach additional pages if necessary****

18. Stockholders: (if different than officer names)

Full Legal Name: _____ Phone #: _____

Home address: _____

Percentage of stock owned: _____ Office held: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

Full Legal Name: _____ Phone #: _____

Home address: _____

Attach additional pages if necessary

Has each shareholder completed the financial affidavit attached to this application? yes

19. If there is any individual or officer who has resided at his/her current address LESS THAN 5 years, complete the information below:

Name: NA Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Name: _____ Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Name: _____ Phone #: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

Previous address: _____

Dates lived there: _____

20. Name & address of owner of the property (land & building) where the business will be located:

Hull Property Group LLC
1190 Interstate Parkway Augusta GA 30909

21. Is the commercial space where the business is to be located rented or leased? leased

If yes, state name and address of lessor or landlord, and provide a copy of the lease with this application:

Hull Property Group LLC
1190 Interstate Parkway Augusta GA 30909

22. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits/receipts from the proposed business with any persons, firm, company, corporation, or other entity? NO

If yes, provide name of person/firm, address, and amount of percentage of profits or receipts to be split:

23. Is there anyone connected with this business that is not a legal resident of the United States and at least 21 years of age? NO

If yes, give full details on a separate sheet of paper.

If anyone connected with this business is not a US Citizen, can they legally be employed in the United States?

N/A

If yes, please explain on a separate sheet of paper and submit copies of eligibility.

24. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other city/county in the State of Georgia, or other political subdivision and been denied such? NO

If yes, please provide details on a separate sheet of paper.

25. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category? NO

If yes, please provide details on a separate sheet of paper.

26. Is there anyone connected with this business that has been convicted within 15 years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations, or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?

NO

If yes, please provide details on a separate sheet of paper.

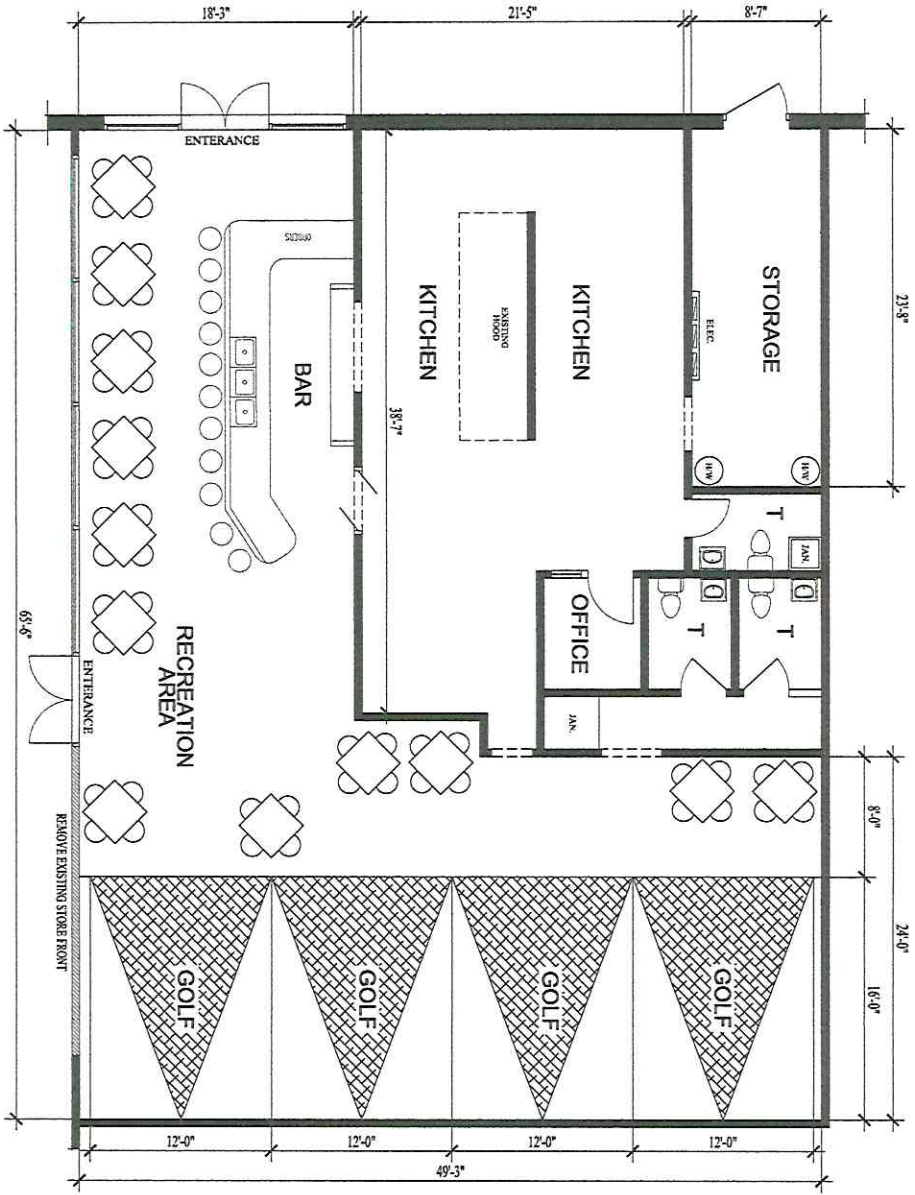
27. Is there anyone connected with this business that has been convicted within 5 years immediately prior to the filing of this application of the violation of any state, federal, or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability there of a crime involving moral turpitude or of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident or any misdemeanor serious traffic offense? NO
If yes, please provide details on a separate sheet of paper.
28. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last 3 year period? NO
If yes, please provide details on a separate sheet of paper.
29. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity? NO
If yes, please provide details on a separate sheet of paper.
30. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or the United States for the reason the same was being used or intended for the use in criminal activities? NO
If yes, please provide details on a separate sheet of paper.
31. Will live nude performances or adult entertainment be a part of this business operation? NO
If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

Calculation of Basic License Fee

For Calendar Year: _____

<u>Classification:</u>	<u>Mark all that apply</u>	<u>License Fee</u>
1. A. Package Sales (Beer & Wine)	_____	\$1750
B. Package Sales (Distilled Spirits)	_____	\$5000
Location Reservation	_____	N/A
2. On Premise License Types		
A. Bar	_____	\$4300
B. Bar with Kitchen	<u>X</u> _____	\$4300
C. Event Venue	_____	\$2500
D. Low Volume	_____	\$750
E. Pub	_____	\$5600
F. Restaurant	_____	\$2800
3. Caterer	_____	\$200
4. Brewer, manufacturer of malt beverages only	_____	\$1750
5. Broker	_____	\$1750
6. Importer	_____	\$1750
7. Manufacturer of Wine only	_____	\$1750
8. Sunday Sales Permit	_____	\$300
9. In Room Service Permit	_____	\$150

Total Due: \$ _____



PROPOSED FLOOR PLAN
A.T.P.O.R.N.A. GOLF, INC.

SCALE: 1/4"=1'-0"

FIELD VERIFY ALL EXISTING DIMENSIONS

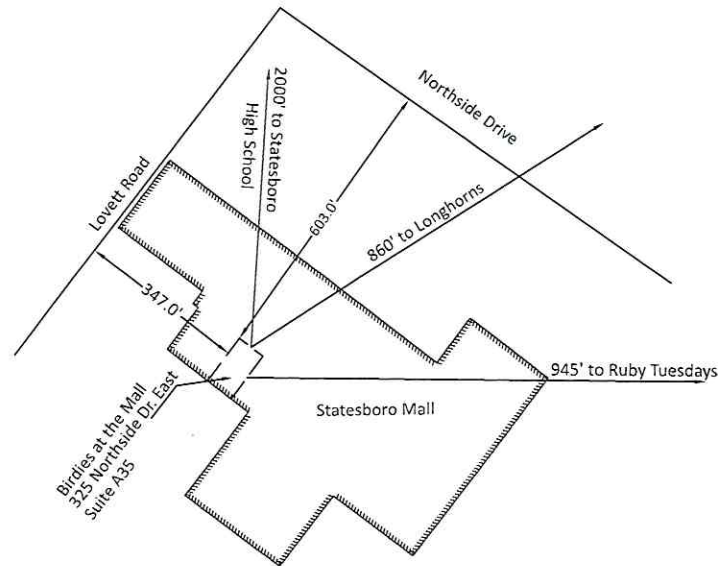
PRELIMINARY

Clerk's use

This survey was performed using RTK surveying methods. All survey control collected with GPS had a tolerance of 0.05' with a 95% confidence level and adjusted with Least Squares. Equipment used was Carlson BRx7 Multi-frequency GPS

This map or plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet
The survey was made without benefit of a title search
This plat is subject to all recorded easements and restrictions

According to the F.E.M.A. map this property is not located in a flood hazard zone.



O.C.G.A. 3-3-21, proposed location is not within 200 yards of any school grounds, not within 100 yards of any church building, alcohol treatment center or Housing Authority property.

O.C.G.A. 3-4-47, proposed location is not within 500 yards of any existing retail package store.

To the best of my knowledge, information and belief all angles, bearings, measurements, of courses, distances and monuments locations are as shown, have been proven by a land survey and in my opinion this is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of Georgia law 1978.

This survey complies with both the rules of the Georgia board of registration for professional engineers and land surveyors and the official code of Georgia annotated (OCGA) 15-6-67 as amended by HB1004 (2016) is that where a conflict exists between those two sets of specifications the requirements of the law prevail

The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief, and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.



Alcohol Survey for

Birdies at the Mall
325 northside drive east suite A35
Statesboro Georgia 30458
Bulloch County

Survey Date: 8/22/2023
File #4178

Plat Date: 8/23/2023



Pirkle & Associates Surveying Inc.

783 Slater Durrence Rd., Glennville Ga. 30427

Phone: 912-654-3298 Cell: 912-237-3770

email: pirklesurveying@outlook.com

Ga. LSF 000232 / SC COA 3760

0 300 600 900



Graphic Scale 1 inch = 300 feet

Birdies at the Mall
325 Northside Dr East
Statesboro, Ga 30458

Please enter your recommendations and comments with your full name.

Alcohol License Review

Department	Full Name	Recommendation	Comments
Planning & Development	Jermaine Foster	Approved	08/23/2023 This location is zoned Commercial Retail (CR). Alcohol sales are allowed within this zoning district. The proximity map that was submitted with the application also adheres to the standards set forth by the city and state.
Fire Department	Andrew Cheney	Approved	8-23-2023
Police Department	Jared Akins	Approved	
Legal	Cain Smith	Approved	

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5

Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

August 29, 2023

MEMO TO: Mr. Charles Penny, City Manager

FROM: Cindy S. West, Director of Finance

RE: Budget Amendment

Enclosed is the First Budget Amendment for Fiscal Year 2024. The amendment is to Carryforward Capital items budgeted for in Fiscal Year 2023 but not completed as of June 30, 2023. I recommend the approval of the proposed budget amendment.

RESOLUTION 2023-40: A RESOLUTION TO ADOPT THE FIRST AMENDMENT TO THE FISCAL YEAR 2024 BUDGET FOR EACH FUND OF THE CITY OF STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED

THAT WHEREAS, sound governmental operations require a Budget in order to plan the financing of services for the residents of the City of Statesboro; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced Budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the Mayor and City Council have reviewed a proposed First Amendment to the Budget from the City Manager that includes some revenues/financing sources and expenditures/expenses not anticipated in the original Budget, and carries forward funding and appropriations for some projects and equipment budgeted in the previous fiscal year, but not purchased by fiscal year-end; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses and any transfers; and

WHEREAS, the Mayor and City Council wish to adopt this First Budget Amendment for Fiscal Year 2024;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1. That the proposed changes to the budget, attached hereto as Attachment #1 and incorporated herein as a part of this Resolution, are hereby adopted as the First Budget Amendment for the City's Fiscal Year 2024 Budget.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget amendment for each fund in the amounts shown anticipated are hereby adopted; and that the several amounts shown in the budget amendment for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments and agencies named in each fund, as amendments to the existing Budget previously adopted.

Section 3. That the "legal level of control" as defined in OCGA 36-81-2 is set at the departmental level, meaning that the City Manager in his capacity as Budget Officer is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount

appropriated for a department without a further budget amendment approved by the Mayor and City Council.

Section 4. That all appropriations shall lapse at the end of the fiscal year.

Section 5. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 5th day of September, 2023.

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

ATTACHMENT #1

FY 2024 FIRST BUDGET AMENDMENT

100 General Fund:

- No Changes.

Net effect on Fund is: None.

210 Confiscated Assets Fund:

- No Changes.

Net effect on Fund is: None.

221 CDBG Fund:

- No Changes.

Net effect on Fund is: None.

224 US Department of Justice Grant:

- No Changes.

Net effect on Fund is: None.

230 ARPA Fund:

- No Changes.

Net effect on Fund is: Decrease in Fund Balance by \$721,000.

250 Multiple Grants Fund:

- No Changes.

Net effect on Fund is: None.

270 Statesboro Fire Service Fund:

- No Changes.

Net effect on Fund is: None.

275 Hotel/Motel Fund:

- No Changes.

Net effect on Fund is: None.

286 Technology Fee Fund:

- No Changes.

Net effect on Fund is: None.

323 2013 SPLOST Fund:

- Increase Expenditure for WWD-111 Install New Well by \$1,067,055. Carry forward project from FY2023.
- Increase Expenditure for GBD-3 Renovations to Administrative Facilities by \$61,775. Carry forward from FY2023. \$12,230 is carry over, \$49,540 is additional.
- Increase Expenditure for STM-36 Lake Sal Detention Facility by \$972,445.

Net effect on Fund is: Decrease in Fund Balance by \$2,101,275.

324 2018 TSPLOST Fund:

- Increase Expenditure for ENG-114 Roadway Geometric Improvements by \$250,100. Carry forward project from FY2023.
- Increase Expenditure for ENG-122C Hwy 24 Sidewalk from Hwy 80 to Packinghouse Rd. by \$706,595. Carry forward project from FY2023.
- Increase Expenditures for ENG-122G Gentilly Road Sidewalk by \$332,130. Carry forward project from FY2023.
- Increase Expenditures for ENG-122H East Jones Street Sidewalk by \$322,135. Carry forward project from FY2023. \$292,305 is carry over, \$29,830 is additional funds.
- Increase Expenditures for ENG-122I North College St. Sidewalk from Proctor Street to Hwy 80 by \$21,545. Carry forward project from FY2023.
- Increase Expenditures for ENG-122J N. Zetterower Ave Sidewalk from Hill Street to Hwy 80 by \$35,945. Carry forward project from FY2023.
- Increase Expenditures for ENG-122K West Main Street Sidewalk by \$287,635. Carry forward project from FY2023.
- Increase Expenditures for ENG-122L S. College St. Sidewalk, W. Jones Ave to W. Brannen St. by \$50,000. Carry forward project from FY2023.
- Increase Expenditures for ENG-122M Chandler Road Sidewalk by \$150,000. Carry forward project from FY2023.
- Increase Expenditures for ENG-122N East Grady Street Sidewalk by \$56,990. Carry forward project from FY2023. \$42,075 is carry over, \$14,915 is additional funds.
- Increase Expenditures for ENG-122O Bulloch Street Sidewalk by \$113,725. Carry forward project from FY2023.
- Increase Expenditures for ENG-122P Brannen Street Sidewalk by \$230,445. Carry forward project from FY2023. \$210,535 is carry over, \$19,910 is additional funds.
- Increase Expenditure for ENG-123C W. Main St./Johnson St. Intersection Improvements by \$89,330. Carry forward project from FY2023.
- Increase Expenditures for ENG-124e Max Lockwood Drive Improvements by \$286,560. Carry forward project from FY2023.
- Increase Expenditures for ENG-130 New Roads and Extensions by \$300,000. Carry forward project from FY2023.
- Increase Expenditures for ENG-136 Subdivision Incentive Program by \$350,000. Carry forward project from FY2023.

Net effect on Fund is: Decrease in Fund Balance by \$3,583.135.

325 2019 SPLOST

- Increase Expenditure for FD-87 Training Ground Facilities and Apparatus Storage by \$200,000. Carry forward project from FY2023. \$85,000 is carry forward, \$115,000 is additional funds.

- Increase Expenditure for FD-89 Station 1 Driveway by \$75,000. Carry forward project from FY2023.
- Increase Expenditure for GBD-3 Renovations to Administrative Facilities by \$307,540. Carry forward from FY2023. \$134,675 is carry over, \$172,865 is additional.
- Increase Expenditures for WWD-14 Sewer Lining by \$400,000. Carry forward project from FY2023.
- Increase Expenditures for WWD-111 Install New Well by \$132,945. Carry forward project from FY2023.

Net effect on Fund is: Decrease in Fund Balance by \$1,115,485.

344 LMIG – Akins Boulevard

- No Changes.

Net effect on Fund is: None.

350 Capital Improvements Program Fund:

- Increase in Revenue from GMA Lease Pool by \$75,000.
- Increase in Expenditures for PRK-36 Replace Dump Bed Truck by \$75,000. Carry forward project from FY2023.

Net effect on Fund is: None.

505 Water and Sewer Fund:

- Increase Expense on the Cash Flow Statement for WTP-4 Replace Truck by \$40,000. Carry forward project from FY2023.
- Increase Expense on the Cash Flow Statement for WTP-24 Upgrades to WWTP Influent Pumps and Aeration Blowers by \$2,348,680. Carry forward project from FY2023.
- Increase Expense on the Cash Flow Statement for WWD-155 Extension of Water and Sewer in Bruce Yawn Commercial Park by \$400,000. Carry forward project from FY2023.
- Increase Expense on the Cash Flow Statement for WWD-191 Hill Street Shop Retainage Wall Replacement by \$30,000. Carry forward project from FY2022. \$20,000 is carry forward, \$10,000 is additional funds.
- Increase Expense on the Cash Flow Statement for WWD-191 Inflow and Infiltration Evaluation of Sewer Main by \$50,000. Carry forward project from FY2023.

Net effect on Fund is: Decrease in Cash by \$2,868,680.

507 StormWater Fund:

- Increase Expense on the Cash Flow Statement for STM-34 Little Lotts Flood Control by \$500,000. Carry forward project from FY2022.

Net effect on Fund is: Decrease in Cash by \$500,000.

515 Natural Gas Fund:

- Increase Expense on the Cash Flow Statement for NGD-88 Subdivision Incentive by \$250,000. Carry forward project from FY2023.
- Increase in Expense on the Cash Flow Statement for NGD-90 Akins Boulevard Extension by \$140,000. Carry forward project from FY2023. \$40,000 is carry forward, \$100,000 is additional funds.
- Increase Expense on the Cash Flow Statement for NGD-93 Retaining Wall by \$30,000. Carry forward project from FY2023. \$20,000 is carry forward, \$10,000 is additional funds.
- Increase Expense on the Cash Flow Statement for NGD-95 GDOT Road Widening Project Hwy 301 North by \$1,400,000. Carry forward project from FY2023.
- Increase Expense on the Cash Flow Statement for NGD-97 Windward South Subdivision by \$60,000. Carry forward project from FY2023.
- Increase Expense on the Cash Flow Statement for NGD-98 CDBG Potential Infrastructure Improvements by \$150,000. Carry forward project from FY2023.

Net effect on Fund is: Decrease in Cash by \$2,030,000.

541 Solid Waste Collection Fund:

Commercial Division

- No Changes.

Residential Division

- No Changes.

Rolloff Division

- No Changes.

Yardwaste Division

- No Changes.

Net effect on Fund is: None.

542 Solid Waste Disposal Fund:

- Increase Expense on the Cash Flow Statement for SWD-52 Property Acquisition by \$550,000. Carry forward project from FY2023. \$350,000 is carry forward, \$200,000 is additional funds.

Net effect on Fund is: Decrease in Cash by \$550,000.

601 Health Insurance Fund:

- No Changes.

Net effect on Fund is: None.

602 Fleet Management Fund:

- No Changes.

Net effect on Fund is: None.

604 Wellness Fund:

- No Changes.

Net effect on Fund is: None.

605 Central Service Fund:

- No Changes.

Net effect on Fund is: None.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Olympia Gaines, Assistant to the City Manager

Date: August 28, 2023

Re: Standard Operating Procedures for Boards and Commissions

Policy Issue: Consideration of a resolution to adopt Standard Operating Procedures and Policies for city boards and commissions.

Recommendation: Approve

Background:

The City of Statesboro has several boards and commissions that provide vital services to the community. The City does not currently have procedures in place to provide general guidelines and responsibilities to maximize the board's and/or commission's efficiency, output, and uniformity with the City's goals and objectives. The attached documents provide standard operating procedures and attendance guidelines for the boards and commissions.

Budget Impact: none

Council Person and District: All

Attachments: Proposed resolution

**STATE OF GEORGIA
COUNTY OF BULLOCH**

MAYOR AND COUNCIL OF THE CITY OF STATESBORO GEORGIA

RESOLUTION 2023-41

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO GEORGIA TO ADOPT
UNIFORM STANDARDS OF PROCEDURES AND POLICIES RELATING TO CITY BOARDS, COMMITTEES,
AND COMMISSIONS**

WHEREAS, the City has various boards, committees, and commissions, and the City desires to establish uniform standards of procedures and policies relating to these boards, committees, and commissions; and

WHEREAS, the Mayor and City Council desire to formalize the process for appointments and orientations of persons on such boards, committees, and commissions and establish uniform protocols for how boards, committees, and commissions are to operate and conduct meetings.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. These clauses represent the legislative findings of the Mayor and Council. It is the purpose and intent of this Resolution to set uniform procedures and protocols for city boards, committees, and commissions.

Section 2: All Ordinances or parts of Ordinances, and Resolutions or parts of Resolutions in conflict herewith are, to the extent of such conflicts, hereby repealed.

Section 3: This Resolution shall take effect on September 5, 2023.

RESOLUTION APPROVED AND ADOPTED THIS 5TH day of September, 2023.

Jonathan McCollar, Mayor

Attest: _____
Leah Harden, City Clerk



Standard Operating Procedures for Boards and Commissions of the City of Statesboro

POLICIES FOR ESTABLISHMENT AND OPERATION

The City of Statesboro currently has nine (9) active boards and commissions that are comprised of volunteers appointed by the Mayor and Council. The City of Statesboro encourages participation by its residents in Statesboro government through service on City boards and commissions. Serving on a board, or commission is an opportunity to collaborate with local government and to help shape decisions and policies that impact our community. All boards and commissions are established by the actions of the Mayor and Council through ordinance.

Members of boards and commissions provide an invaluable service to the City of Statesboro. Members advise City Council on a wide variety of subjects by making recommendations on important policy matters. The City of Statesboro is committed to appointing diverse, qualified, and dedicated people to these boards and commissions to achieve board membership with people of all ages, interests, and backgrounds. Effective citizen participation provides a necessary link between local government and the community by bringing together citizen viewpoints which might not have otherwise been heard.

Regardless of specific duties, each board and commission play an important part in City government. This requires a thorough understanding of their board or commission's role as well as a willingness to engage constructively with the public, elected officials, and City staff. Much of learning how to do this will happen on the job.

As City-created bodies are formed, the adoption of uniform rules of procedures has become necessary to assure maximum productivity.

APPOINTMENTS

Most appointments to boards or commissions are made biennially or as needed. An application is required for consideration of an appointment to a board or commission. The City Clerk provides City Council with applications of interested citizens for consideration during Executive Session. Actions taken for appointment to a board or commission is then made in an open meeting by City Council. The term of the appointment is incorporated in the action by City Council and made part of the minutes. The City Clerk notifies the applicant of their appointment to a board or commission.

The chairperson will notify the City Clerk of any vacancy or pending vacancy of a seat. The City Clerk will then notify City Council at the next regularly scheduled meeting of the vacancy. Public request for applications can be requested at this time. Vacancy notifications are also placed on the City's social media page. Applications for boards or commissions are placed on the City's website.

Lengths of terms vary from one board or commission to another, but in all cases staggered terms are intended. The Mayor and Council has the authority to remove any member of City-created bodies by a majority vote for cause, on written charges, after a public hearing. All members of City-created bodies serve without compensation.

Members may resign at any time their personal circumstances change to prevent effective service. Resignations should be submitted in writing to the board or commission chairperson.

Attendance will be governed by the bylaws of the board or commission of which the member is appointed and by the City's Attendance Policy.

A member of a board or commission must be a resident of Bulloch County.

STRUCTURE: GENERAL DUTIES AND RESPONSIBILITIES

In the broadest sense, the role of an individual appointee is to bring their experience and wisdom to the body and deliberate with other members to reach decisions that fulfill the purpose of the particular board or commission. Every board and/or commission when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by City Council to determine its effectiveness. The mission, responsibilities, and time commitments for each board will vary. The size of each board or commission is determined by its duties and responsibilities. Because this a completely voluntary service, boards and/or commissions are only expected to meet as needed to address any outstanding issues.

General expectations of appointees:

- Act courteously during meetings and treat other members of the body, the public, and City staff with respect. Disagreements are inevitable, but appointees should remain civil and focus on issues rather than personal differences.
- Observe good parliamentary practice. The chairperson's role is to run an efficient meeting while allowing all points of view to be heard and a full discussion. Assist the chairperson by being concise in making your points and not interrupting others.
- Arrive to meetings on time and let you staff liaison and chairperson know if you will be absent. Unexpected absences can cause a meeting to be cancelled if there are not enough members who are not present to establish a quorum. If a quorum is not present the commission will be unable to conduct regular business, so as a courtesy to your fellow members and the public, please provide advanced notice of any absences.
- Come prepared. Review proposed minutes, agenda packets, and other information ahead of time to allow for informed deliberation.
- Represent your board or commission appropriately. As an appointee, people may perceive you to speak on behalf of the City or your board or commission. Do not speak for your board, commission or on behalf of the City unless appropriately authorized to do so. Make clear that you are speaking in your personal capacity if there is any doubt.
- Make recommendations that reflect what is best for the entire City.
- Take care that deliberations include thorough research and review of alternatives on an issue prior to making a recommendation.

- Offer recommendations that reflect a consensus position based on the deliberations of the board and/or commission and public input.
- Boards and/or commission members should note that staff may present recommendations contrary to that of the board and/or commission; this is to be respected as a different viewpoint. Also understand City Council is under no obligation to follow the recommendations of the board and/or commission, and may choose for a variety of reasons to implement a policy different than the recommended one. In this case, board and/or commission members should respect this decision and remember they serve the City Council; their decisions are policy and once made, the board and/or commission should move on to the next area of discussion or find ways to best assist implementation of the new policy.
- Be familiar with the operating statute, bylaws, ordinances, and other critical documents of your particular board or commission. These documents provide information on your mission and scope of your group as well as how it should operate.
- Understand the role of your board(s) and/or commission(s) and constraints on the City. By understanding what you can do and how you affect policy, you can reduce frustration with the process and outcomes. It helps to remember that your area is only one small part of the operations of the City and that limited resources are available to address all needs. Thus, recommendations and the policies ultimately adopted should both be viewed with the idea not of the perfect solution, but the best solution given available resources.
- Remember boards and/or commissions are comprised of a group and not just one member; the decisions made must be of a consensus or majority nature. Members must work as group and represent your personal views only when it is clear that they are personal and not reflective of the board and/or commission or City Council.
- Robert's Rules of Order, newly revised shall be adhered to in all meetings of boards and/or commissions.

ROLES & RESPONSIBILITIES OF OFFICERS AND STAFF LIAISON

Each board or commission will elect a chairperson from among its members to serve a term of one year or unless otherwise stipulated. Each board or commission may also elect a Vice-Chair and Secretary.

Officers

Chairperson

Presides over meetings, provide group leadership, communicates with staff liaison, submits annual report to staff liaison, becomes familiar with parliamentary procedures, open meetings/open records laws, works in coordination with staff liaison to ensure activities are documented in order to create a digital archive or visual record. Work with the staff liaison in structuring the meeting agendas.

The chairperson for each board or commission shall notify the staff liaison of any member who is absent for three (3) successive called or regular meetings within a 12-month timeframe.

Vice Chair

Presides over the meetings when the chairperson is absent, communicates with staff liaison, becomes familiar with parliamentary procedures, and open meetings/open records laws.

Secretary

Records the official minutes during the meetings, make recommended edits to meeting minutes prior to approval, send minutes to staff liaison within two days after the meeting, and have the review of the minutes scheduled on the next meeting agenda.

Staff Liaison

The staff liaison will be assigned to provide professional and administrative support in developing information and recommendations for City Council consideration. Staff liaisons are the primary conduit for members of boards and commissions to communicate with the City. Staff liaisons do not work “for” or “at the direction of” the board or commission they support. As a City staff representative, the staff liaison provides factual information as needed and clarifies City policy if there is uncertainty on a particular issue. The staff liaison is responsible for ensuring the board or commission members have all the necessary information to allow them to make informed decisions or recommendations to City Council. The staff liaison will assist the chairperson in structuring meeting agendas to maximize productivity of the board or commission. The staff liaison is responsible for ensuring that the requirements of the City and other policies are met. This responsibility includes compliance with the Open Meetings Laws, the posting of minutes and all applicable regulations. The staff liaison may also coordinate and encourage training and/or developmental workshops for members.

New members will receive a briefing by the board or commission chairperson and staff liaison regarding duties and responsibilities. This will include a review of the general structure, duties, responsibilities, and Georgia Open Meetings and Open Records Act.

GOVERNING RULES

Bylaws

The bylaws will contain most of the information you need to perform your duties. The City provides a standardized template for bylaws for most boards and commissions, with some specific provisions applicable to each body. This template can be customized to fit the mission, goals, and objectives of the board or commission.

The meeting schedule related to business needs of each board or commission may be set by the individual body and expressed in the body’s bylaws.

Open Meetings Act

Meeting is defined as: a) the gathering of a quorum of any public body where any official business, policy, or public matter of the body is formulated, presented, discussed, or voted upon; b) the gathering of a quorum of any committee of the members of the body or a quorum of any committee created by the board or commission at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

All meetings of each board or commission are open to the public. All votes at any meeting must be taken in public. City-created bodies are expected to conduct themselves according to the procedures contained in the Georgia Open Meetings Law. Essentially, this means that City boards and commissions deliberate

and make all their decisions during a public meeting. Members should avoid emailing, talking, or otherwise communicating with other members outside of a public meeting about how they will vote, reasons for voting a particular way, or the pros and cons of an issue that may come before the board or commission.

Sometimes, discussion between members outside of a public meeting may be necessary (for example, when developing draft policy recommendations for presentation). In such cases, the discussions should involve as few members as possible and never involve a quorum. If the matter warrants substantial discussion with multiple members, the body should seek to schedule a meeting outside of the regularly scheduled meeting or establish a subcommittee of three to four members, the meetings of which would be posted and open to the public.

Basic rights of the public during a meeting governed by the Open Meetings Act:

- The public can attend without a requirement to sign in or identify themselves
- The public can record and/or broadcast the proceedings if they so choose
- The public can address the assembly under the rules prescribed for public comment
- The public can get a full picture of the decision-making process; avoid exchanging written notes, electronic messages, and telephone calls during meetings

Freedom of Information Act

Records are subject to disclosure under the Georgia Freedom of Information Act (FOIA). Under the GA FOIA, all public records are available for inspection and copying unless they are specifically exempted from disclosure under the law. This includes all email communications about board or commission business. Email correspondences regarding board or commission's business should generally copy the staff liaison so that the City has a record of the correspondence. Members are responsible for retaining and producing emails and other records, including text messages related to board or commission business that they have in their possession.

Meeting Notices

Public notice of meetings is provided at least one week in advance and maintained in a conspicuous place available to the public at the meeting location, on the City's website, and/or by direct notice to the official legal organ. Meetings fall into two types of meetings: regular meetings and special meetings. Board and commissions should establish a schedule for regular meetings at the start of the board or commission. Special meetings supplement the regular meeting and often focus on specific topics.

Minutes are recorded for all meetings and then scheduled for review and/or approval at the board or commission's next regularly scheduled meeting. Minutes should be brief and reflect decisions and recommendations. They provide a record of the date, time, place and attendance of members along with a record of any decisions made. Approved minutes will be made available to City Council and to the public. Minutes will also be available on the City's website.

Communications Guidelines

Boards and commissions will utilize the City's official media channel to share information. Each board and/or commission should coordinate with the staff liaison to add promotional content that needs to be shared with the public.

SCOPE OF AUTHORITY

Each authority, board, and commission has the authority to prepare studies and reports for the purpose of informing the governing body on policy matters relating to the purposes stipulated by City Council. Each body must submit annual written reports that contain in depth review of the body's activities including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the staff liaison. The staff liaison will provide copies to City Council through inclusion in the FYI communication. A representative from the board or commission will be required to attend to answer any questions City Council may have.

Activities outside of the board or commission's authority will need to be reviewed and approved by City Council.

Finances

Each authority, board, and commission in the performance of its duties, may, with the approval of the Mayor and Council, cooperate with and accept funds from federal, state or local public or semi-public agencies or private individuals or corporations, and may expend such funds for the purposes of the commission with the approval of the Mayor and council. Any grants and/or funding received will be done so pursuant to Resolution 2012-19 or any other subsequently adopted grant policy or financial policy of the city. All purchases shall be made in compliance with the city's purchasing policy as set out in Chapter 5 of the Statesboro Code of Ordinances.

Attendance Policy

All persons appointed to a City-established board or commission is expected to attend all regularly scheduled meetings and as many special meetings as possible, unless their absence is unavoidable. When a board or commission member knows in advance that he or she will be absent from a meeting, the member must notify the chair and staff liaison as soon as possible.

Each board or commission's secretary must keep an accurate record of its members' attendance. This record must show who was present and who was absent at each meeting. In addition to being noted in the minutes, such record shall be kept as a separate attendance record, which shall show a running total of meetings, attendance at meetings, absence at meetings and excused absence at meetings.

A member's unacceptable attendance is defined as an unexplained absence from three consecutive regular meetings or absence from more than fifty percent of the regular and special meetings held during any twelve-month period. The chairperson of each board or commission shall notify the City Clerk whenever a member of the board or commission fails to meet the defined unacceptable attendance standard.

In consultation with the staff liaison, the board or commission chairperson shall propose whether each absence is "excused" or "unexcused." Each board or commission shall then by general consent, determine whether their members' absences from regularly scheduled meetings are excused or unexcused and record that determination in official meeting minutes. Absences from special meetings will be recorded but they will not be classified as "excused" or "unexcused."

Upon being notified that an appointee to a board or commission has an unacceptable attendance record, the City Clerk will notify City Council, which will instruct the City Clerk to contact the member and request his or her written resignation from the board or commission. If the City Clerk fails to receive such a resignation, City Council shall act to formally remove that person from that board or commission. The vacancy thereby created shall be filled in accordance with the ordinance requirements for filling vacancies on boards or commissions.

When evaluating overall performance of boards and commissions, City Council shall consider the board and/or commission member's attendance record.

Regularly scheduled meetings are those that adhere to the general description provided to the public as to the times each board or commission routinely meets. For example, if the board and/or commission meeting is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered "regular meetings." Any other meetings shall be considered special meetings.

Excused absences shall be limited to those which meet both of the following requirements:

(a) The absent member must inform the chairperson and the staff liaison of their intended absence prior to the scheduled meeting. (Failure to inform the chairperson and the staff liaison prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice), and

(b) The absence is due to one of the following:

- i. A death in the family;
- ii. Personal illness;
- iii. Board or commission-related business;
- iv. Scheduled out of town trip

- v. Emergency;
- vi. Decision by member's supervisor in employment or required military service;
- vii. Federal and State Family leave.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Justin Williams, Planning & Housing Administrator

Date: August 30, 2023

RE: September 5, 2023 City Council Agenda Items

Policy Issue: *City of Statesboro Language Access Plan: Resolution*

Recommendation: Staff Recommends Approval of the update to the Language Access Plan

Background: The City of Statesboro has been awarded the Employment Incentive Program Community Development Block Grant in order to assist with the development of the Aspen Aerogels facility on I-16. As a part of Special Condition #1, the City of Statesboro must update the Language Access Plan which was approved as a part of the 2019 Community Development Block Grant. Approval of this new LAP will satisfy additional conditions for receipt of grant funding.

Budget Impact: None

Council Person and District: All

Attachments: Resolution 2023-42 & Updated LAP

RESOLUTION 2023-42
UPDATE OF LANGUAGE ACCESS PLAN

WHEREAS, the Georgia Department of Community Affairs has announced the award of \$750,000 to the City of Statesboro through the Community Development Block Grant/Employment Incentive Program, which will be utilized for infrastructure improvements to benefit Aspen Aerogels Georgia LLC which will create 250 new, full-time jobs.

WHEREAS, the Georgia Department of Community Affairs has issued special requirements for all grant funded municipalities that must be completed prior to the issuance of funds, including the updating of the Language Access Plan;

WHEREAS, The City of Statesboro seeks to ensure that all citizens in the affected area are capable of receiving information and resources regarding the project;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Statesboro, Georgia in regular session assembled this 5st day of September 2023, as the governing body of the City of Statesboro, Georgia, that the City update the Language Access Plan to ensure service to residents are able to receive necessary translation for activity revolving around the activities of the grant.

So adopted this 5th day of September, 2023

Jonathan M. McCollar, Mayor

Attested by:

Leah Harden, City Clerk

Language Access Plan
City of Statesboro, Georgia
Community Improvement Department
Adopted November 2019
Updated August 2023

City of Statesboro
50 E. Main Street
Statesboro, GA 30458
912-764-5468

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APPENDICES

- 1) “I Speak” Cards/ Poster
- 2) S1601 ACS 2020 Estimates (or most recent)

LANGUAGE ACCESS PLAN

I. GENERAL INFORMATION

Prepared By: Phillip L. Davis

Associates In Local Government Assistance, Inc.
P.O. Box 2025
1007 West 12th Street
Alma, GA 31510
(912) 632-7839
algainc@accessatc.net

Updated By: Allen-Smith Consulting, Inc.

405 Nunnally Farm Road
Statesboro, GA 30655
(770) 207-0142
keeley@allensmithconsulting.com

List of Current Applicable Funded Grants/Programs (to be automatically amended as projects are funded):

1. Grantee: City of Statesboro, GA
CDBG Grant Number: 18p-x-016-2-6090
Target Area: Carver Street, James Street, W. Roundtree Street, Floyd Street, MLK Drive, Bobby Donaldson Ave, and Elm Street. (Census Tract 1102: 3.2% LEP: Spanish, 1.3% LEP: Other 1.9%)
2. Grantee: City of Statesboro and Bulloch County, GA (Statesboro is lead applicant)
CDBG/EIP Grant Number: 22q-z-016-2-6328 (funded FY 2023)
Bruce Yawn Commerce Park (formerly Southern Gateway Commerce Park), Rocky Road (S1601 Form for City: 1.6% LEP: Spanish 26.1% LEP, Other Indo-European 11.7% LEP, Asian and Pacific Island 35.7%, Other 11.7%)

This *Language Access Plan* has been prepared to address the City of Statesboro's responsibilities as a recipient of federal financial assistance from Georgia Department of Community Affairs programs & grants funded by HUD as they relate to the needs of individuals with limited English language skills.

The plan has been prepared to ensure compliance with HUD's guidance and Title VI of the Civil Rights Act of 1964, and its implementing regulations. Under HUD's guidance, the City of Statesboro must take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP).

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person’s inability to speak, read, write or understands English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Statesboro.

The City of Statesboro has developed this *Language Access Plan* to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided through programs funded by the Georgia Department of Community Affairs/HUD. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City of Statesboro used HUD’s four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the Community Improvement programs;
2. The frequency with which LEP persons come in contact with Community Improvement programs;
3. The nature and importance of the Community Improvement programs and services provided by City of Statesboro to the LEP population;
4. The resources available to the City of Statesboro and overall cost to provide LEP assistance.

SAFE HARBORS

In accordance with HUD Safe Harbors for LEP, the City of Statesboro will translate written Community Improvement documents for groups that are at least 5% of the population eligible (and more than 50 persons) or 1,000 persons, whichever is less. If there are fewer than 50 persons in a language group that reaches the 5% trigger above, the City of Statesboro will not translate the vital Community Improvement written materials, but provides written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials, free of cost.

The size of the language group determines the recommended provision for written language assistance.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of
5% or less of the eligible population or beneficiaries and less than 1,000 in	No written translation is required.

II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs.

The City of Statesboro’s Community Improvement staff reviewed the 2021 American Community Survey 5-year estimates and determined that of the population of 30,722 persons over 5 years of age, 2,058 persons in Statesboro (6.7% of the total population) speak a language other than English. Of those 2,058 persons, 500 (1.6% of the total population speaking a language other than English) have limited English proficiency; that is, they speak English less than “very well”. In Statesboro, of those persons with limited English proficiency, 361 speak Spanish, 27 speak other Indo-European languages, 105 speak Asian and Pacific Island languages and 7 speak other languages.

The FY2023 EIP Project will create 250 new full-time jobs. At this time, there is no way to know who will fill those positions and if the applicants are LEP. Georgia QuickStart will be involved in the hiring and training for Aspen Aerogels. QuickStart is equipped to provide assistance for LEP persons applying for jobs. Oral Interpretation Services are available for clients upon request. However, in the past, all our clients have provided their own translator with whom they are comfortable sharing personal information.

Language Spoken*	# of Residents Over 5 Years of Age*	Speaks English Less Than “Very Well”*
English	28,664 (93.3%)	N/A
Spanish	1,165 (3.8%)	361 (31.0%)
Other Indo-European	408 (1.3%)	27 (6.6%)
Asian & Pacific	382 (1.2%)	105 (27.5%)
Other Languages	103 (.3%)	7 (6.8%)
Total	30,722 (100.0%)	500 (1.6%)

1. CDBG Grant Number:18p-x-016-2-6090
 Carver Street, James Street, W. Roundtree Street, Floyd Street, MLK Drive, Bobby Donaldson Ave, and Elm Street. (Census Tract 1102: 3.2% LEP: Spanish, 1.3% LEP: Other 1.9%)

At the present time, GA DCA has identified no Census Tract in the City of Statesboro that meets LEP criteria:

Census Tract 1102, Bulloch County

Total population >5 years old 1,234
 Percent LEP 3.2
 Percent Spanish 1.3
 Percent Other LEP 1.9

*2013-2017 American Community Survey 5-year estimate
NO existing or planned CHIP or CDBG projects (or another GA DCA/HUD funded assistance) exist in this Census Tract area. Should any projects be planned in this Census Tract area, the City of Statesboro will provide Translated Vital Documents to those residents in the proposed project areas.

2. Grantee: City of Statesboro and Bulloch County, GA (Statesboro is lead applicant)
CDBG/EIP Grant Number: 22q-z-016-2-6328 (funded FY 2023)
Bruce Yawn Commerce Park (formerly Southern Gateway Commerce Park), Rocky Road (S1601 2021 Form for City: 1.6% LEP: Spanish 31% LEP, Other Indo-European 6.6% LEP, Asian and Pacific Island 27.5%, Other 6.8%)

2. The frequency with which LEP persons come in contact with Community Improvement Department services.

The City of Statesboro Community Improvement Department staff reviewed the frequency with which staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits, as well as public hearings and interactions during surveys. Over the past two years, Community Improvement has had no requests for interpreters and no requests for translated program documents.

Frequency of Interaction: Annually

For Project Applications:

- a. When notifying the public about grant award application and its proposed activities
- b. When notifying the public about grant award and its funded activities
- c. When seeking applicants to participate in the program (e.g., when seeking homeowners for sewer assistance)
- d. When seeking qualified contractors
- e. When working with homeowners selected for assistance
- f. When seeking bids from builders to construct the homes
- g. When notifying the public about the grant award closeout and its accomplishments
- h. When notifying the public about job opportunities

3. The nature and importance of programs, activities or services provided by Community Improvement to the LEP population.

Housing plays a critical role in maintaining quality of life. Community Improvement is committed to ensure access to safe, sanitary, and affordable housing for our eligible clients. Outreach throughout the community helps to ensure awareness of our programs. The majority of the City's population- 93.7% speaks English only. Other than English speaking individuals, Community Improvement staffs are most likely to encounter Spanish speaking LEP individuals through office visits, phone conversations and during surveys. Upon client

request, the City of Statesboro will provide oral interpreters using bi-lingual employees or qualified contract interpreters. To date, all LEP individuals have provided their own interpreter-a child or friend.

Nature of the Program(s):

(1) CDBG Sewer improvements (FY2019).

(2) FY2023 EIP Water/Sewer for a new company/Aspen Aerogels Georgia, LLC to create 250 new jobs.

Importance of the Program(s): Denial or delay of access to services or information would not have serious or life-threatening implications for the LEP individual.

4. The resources available to the City of Statesboro, and overall cost to provide LEP assistance.

The City of Statesboro reviewed its available resources that could be used for providing LEP assistance, including which of its documents would be most valuable to be translated if the need should arise. An “I Speak” card/poster will be made available to determine needed language translations. A notice (see below) will be posted in all ads for GA DCA/HUD programs regarding who to contact should language assistance be needed. Language translation, if needed, would be provided through the available bi-lingual staff and/or the Language Line (770-455- 7141) for which the City of Statesboro would pay a fee.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Community Improvement services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

The Name of the individual at the City of Statesboro responsible for coordination of LEP Compliance is:

Marcos Trejo
City of Statesboro
50 E. Main Street
Statesboro, GA 30459
(912) 764-0647

How the Community Improvement staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation services free of

charge in languages LEP persons would understand;

- Add statement (see below) to public meeting and event notices concerning GA DCA/HUD programs;
- All Community Improvement staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year; and
- When Community Improvement conducts a Public Hearing, an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event (unless previously requested) it will help identify the need for future events; and
- Language Identification Cards/Posters will be used as necessary to determine a client's language needs.

Language Assistance Measures-Although there is a small percentage in Statesboro of eligible LEP households, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures:

1. The Community Improvement staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Interpreters for the Spanish language if available will be provided within a reasonable time period; or
 - Language interpretation will be accessed through Language Line Solutions.
3. Language Identification Cards/Posters will be used as necessary to determine a client's language needs.
4. The following statements will be added to public meeting and event notices concerning GA DCA/HUD programs:

"Persons with special needs relating to handicapped accessibility or foreign language should contact Marcos Trjo at (912) 764-0647. This person can be located at the City Hall, 50 East Main Street, Statesboro, GA 30458, and is available between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, or you may call 770-455-7141. Persons with hearing disabilities may consider using the Georgia Relay Service, at (TDD) 1-800-255-0056 or (Voice) 1-800-255-0135."

IV. STAFF TRAINING

The following training will be provided to all Community Improvement staff:

- Information on the Title VI Policy and LEP responsibilities;
- Description of language assistance services offered to the public;
- Documentation of language assistance requests; and
- How to handle a potential Title VI/LEP complaint.

All contractors, subcontractors and sub-recipients performing work for or receiving federal funds for Community Development projects will be required to follow the Title VI/LEP guidelines.

V. TRANSLATION OF DOCUMENTS

● The City of Statesboro weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time no documents require translation.

● Due to the relatively small eligible local LEP population, the City of Statesboro does not have a formal outreach procedure in place at this time. Translation resources have been identified. When and if the need arises for LEP outreach, the City of Statesboro will consider the following option:

-When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then relevant documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population, if requested.

VI. MONITORING AND UPDATING THE LAP PLAN

The City of Statesboro will update the LAP Plan as required. At a minimum, the plan will be reviewed and updated every five years using American Fact Finder for census information, or when it is clear that higher concentrations of LEP individuals are present in the City of Statesboro. Updates will include the following:

- The number of documented LEP person contacts encountered annually;
- How the needs of LEP persons have been addressed;
- Determination of the current LEP population in the service area;
- Determination as to whether the need for translation services has changed;
- Determine whether local language assistance programs have been effective and sufficient to meet the need;
- Determine whether the City of Statesboro's financial resources are sufficient to fund language assistance resources needed;
- Determine whether the City of Statesboro fully complies with the goals of this LAP Plan; and
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

VII. DISSEMINATION OF THE CITY OF STATESBORO'S LAP PLAN

The LAP Plan will be on the City of Statesboro's website page and provided to anyone requesting the information.

VIII. RECORDS

The City of Statesboro will maintain records in the City Clerk's office regarding its efforts to comply with Title VI LEP obligations. These records will be reviewed periodically and open to the public in an effort to improve service.

IX. COMPLAINTS/FINDINGS

Any person who believes they have been denied the benefits of this LAP or that the City of Statesboro has not complied with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations may file a complaint with the City LAP Coordinator. The City LAP Coordinator may be the first point of contact for any complaints or appeals, but the DCA LAP Coordinator must be informed of all complaints and appeals. The LAP Coordinator will provide oversight of the complaint/appeal resolution process. To file a complaint, submit the written complaint to:

Marcos Trejo
City of Statesboro
50 E. Main Street
(912) 764-0647
Statesboro, GA 30458

Or DCA 504 Coordinator
60 Executive Park South,
N.E. Atlanta, Georgia
30329-2231
fairhousing@dca.ga.gov

X. AVAILABLE FEDERAL LEP RESOURCES

HUD's LEP Website:

https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0

Federal LEP Website:

<http://www.lep.gov/> "I Speak" Card and Poster.

APPENDICES

1. “I SPEAK CARDS”/POSTER

2.S1601 American Community Survey (ACS) 2021 Estimates – *Language Spoken at Home*

- | | |
|--|------------------------|
| <input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p> | 1. Arabic |
| <input type="checkbox"/> <p>Խոսողո՞ւմ ե՞սք Նշողո՞ւմ կատարե՞ք այս քանակազուտում,
եթե խոսում կամ կարդում եք հայերեն:</p> | 2. Armenian |
| <input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p> | 3. Bengali |
| <input type="checkbox"/> <p>ឈ្មួចញាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p> | 4. Cambodian |
| <input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p> | 5. Chamorro |
| <input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p> | 6. Simplified Chinese |
| <input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p> | 7. Traditional Chinese |
| <input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p> | 8. Croatian |
| <input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p> | 9. Czech |
| <input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p> | 10. Dutch |
| <input type="checkbox"/> <p>Mark this box if you read or speak English.</p> | 11. English |
| <input type="checkbox"/> <p>اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بنيد.</p> | 12. Farsi |

- Cocher ici si vous lisez ou parlez le français. 13. French
- Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German
- Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. 15. Greek
- Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. 16. Haitian Creole
- अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। 17. Hindi
- Kos lub voj no yog koj paub twm thiab hais lus Hmoob. 18. Hmong
- Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet. 19. Hungarian
- Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. 20. Ilocano
- Marchi questa casella se legge o parla italiano. 21. Italian
- 日本語を読んだり、話せる場合はここに印を付けてください。 22. Japanese
- 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. 23. Korean
- ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. 24. Laotian
- Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. 25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

		Statesboro city, Georgia				
	Total	Percent	Percent of specified language speakers			
Label	Estimate	Estimate	Speak English only or speak English "very well"	Percent speak English only or speak English "very well"	Speak English less than "very well"	Percent speak English less than "very well"
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Population 5 years and over	30,722	(X)	30,222	98.4%	500	1.6%
Speak only English	28,664	93.3%	(X)	(X)	(X)	(X)
Speak a language other than English	2,058	6.7%	1,558	75.7%	500	24.3%
SPEAK A LANGUAGE OTHER THAN ENGLISH						
Spanish	1,165	3.8%	804	69.0%	361	31.0%
5 to 17 years old	62	0.2%	62	100.0%	0	0.0%
18 to 64 years old	1,072	3.5%	742	69.2%	330	30.8%
65 years old and over	31	0.1%	0	0.0%	31	100.0%
Other Indo-European languages	408	1.3%	381	93.4%	27	6.6%
5 to 17 years old	0	0.0%	0	-	0	-
18 to 64 years old	392	1.3%	365	93.1%	27	6.9%
65 years old and over	16	0.1%	16	100.0%	0	0.0%
Asian and Pacific Island languages	382	1.2%	277	72.5%	105	27.5%
5 to 17 years old	10	0.0%	10	100.0%	0	0.0%
18 to 64 years old	372	1.2%	267	71.8%	105	28.2%
65 years old and over	0	0.0%	0	-	0	-
Other languages	103	0.3%	96	93.2%	7	6.8%
5 to 17 years old	0	0.0%	0	-	0	-
18 to 64 years old	103	0.3%	96	93.2%	7	6.8%
65 years old and over	0	0.0%	0	-	0	-
CITIZENS 18 YEARS AND OVER						
All citizens 18 years old and over	26,661	(X)	26,492	99.4%	169	0.6%
Speak only English	25,360	95.1%	(X)	(X)	(X)	(X)
Speak a language other than English						
Speak a language other than English	1,132	4.0%	1,132	87.0%	169	13.0%

		Statesboro city, Georgia				
	Total	Percent	Percent of specified language speakers			
			Speak English only or speak English "very well"	Percent speak English only or speak English "very well"	Speak English less than "very well"	Percent speak English less than "very well"
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Spanish	749	2.8%	626	83.6%	123	16.4%
Other languages	552	2.1%	506	91.7%	46	8.3%

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Olympia Gaines, Assistant to the City Manager

Date: August 28, 2023

Re: Security Enhancement Incentive Program

Policy Issue: Consideration of a motion to approve the guidelines and application for the Security Enhancement Incentive guidelines and application.

Recommendation: Approve

Background:

The attached documents include guidelines and an application for the Security Enhancement Incentive Program. This incentive program is open to property owners who have multi-family or rental housing units that are rented and not owned inside the city limits and are in targeted areas experiencing high incidences of crime. The objective of the program is to aid in crime prevention and assist law enforcement with investigations.

Budget Impact: ARPA

Council Person and District: All

Attachments: Security Enhancement Guidelines and Application

Overview

Security Enhancement Incentive Program

The Security Enhancement Incentive Program provides funding to assist property owners with the installation of security enhancement systems, such as security camera systems or access control systems, on their property where it is practical and appropriate. The program is intended to help owners of multi-family or rental housing units identified in densely populated areas that are rented and not owned and are experiencing relatively high incidences of crime. Fences, gates, and other barriers would be part of the access control systems to restrict access to only that of residents and their guests. The program also assists with the registration of security camera systems with the Statesboro Police Department (SPD). This incentive program is intended to help deter crime and assist law enforcement with investigations.

Eligibility Criteria

1. The applicant must be the owner of a multi-family or a rental housing unit within the City limits of Statesboro.
2. The applicant must obtain and submit three quotes from a business with a valid business license that is engaged in the installation of security camera systems or access control systems. Incentive approvals will not exceed the lowest quote. Upon approval of the application, the property owner will be notified by Statesboro Police Department staff and instructed to contact the vendor with the lowest quote. The vendor will be required to obtain, if any, the necessary permits prior to the property owner scheduling the work.
3. The City has no obligation or responsibility for the performance of the vendor or for any damages caused to the owner's property.
4. Upon completion, the vendor will notify SPD that the security camera system or access control system has been installed. The vendor will also verify that the system is operational. A picture of the installation must be included in the verification. After verification, the vendor will send the City an invoice for payment. Payment will not exceed more than 50% of the total cost and no more than \$20,000. The remaining sum is due from the property owner.
5. The property owner will be responsible for any costs associated with regular monitoring and maintenance of the security camera system or the access control system.
6. The system must be kept in operation for at least three years.

Ineligible:

- Systems installed prior to the program's approval by City Council is not eligible for this incentive.

Private Security Camera System Criteria

Those seeking an application for an incentive for the installation of security camera system must attest that the security camera system purchased:

- Is located only on the owner's property and on the exterior of the property owner's building or private property and are oriented toward a public right-of-way or space(s), so as not to infringe on anyone's private property;
- Is waterproof and outdoor-rated;
- Operates with high-definition video;

- Includes night vision capability;
- Store footage for a minimum of 7 days either locally or provide cloud-based storage;
- The system must be registered with the Statesboro Police Department's (SPD) Fusus Registry or another available Statesboro Police Department (SPD) video sharing program.
- SPD will only access the security camera system for legitimate criminal justice purposes. The video itself belongs to and is the property of the property owner, except that SPD may clip sections of the video to be used as evidence in specific criminal investigations.

Access Control Systems Criteria

Those seeking an application for grant incentive for the installation of access control systems will work with the Statesboro Police Department to determine if the installation of this system is applicable and feasible.

Submission Requirements

Property owners of multi-family or rental housing units can apply for an incentive for the installation of a security camera system or an access control system for property within the City limits of Statesboro. The amount of the grant incentive will not exceed more than 50% of the total cost and no more than \$20,000. Application is limited to only one security enhancement system per property. Applications must be submitted to the Statesboro Police Department. Applications can be found on the Statesboro Police Department website at <http://statesboropd.com/>. Manual applications can be accepted at 25 West Grady Street, Statesboro, Georgia 30458.

Award Notifications

Within 14 business days after the determination, the Statesboro Police Department will inform all applicants of the final grant decision. Payments will be issued to the vendor that provided the lowest price within 45 business days of the decision. No payments will be received until the equipment has been installed and tested to ensure that it is functioning properly. The video sharing service run by the Statesboro Police Department requires that security camera equipment be registered. Systems built before the Statesboro City Council approval of this program won't be eligible for compensation. The program is funded based on the availability of funds.



**STATESBORO POLICE DEPARTMENT
SECURITY CAMERA INCENTIVE PROGRAM APPLICATION**

Please complete this application and submit to:

Statesboro Police Department
Attn: Security Camera Incentive Program
25 West Grady Street
Statesboro, Ga 30458
<http://statesboropd.com/>

Include the following:

- This application form, completed and signed
- Proof of property ownership
- Minimum of three (3) verifiable quotes obtained from a vendor or company

Section I: General Information

Property Owner: _____ Date: _____

Address: _____

Telephone: _____

Email Address: _____

I certify by signing this application that I am the legal owner of the property and I agree that the City of Statesboro, Georgia and the Statesboro Police Department are not responsible for any actions taken by the vendor, company, or company agent awarded to perform the work and that the City of Statesboro nor the Statesboro Police Department is not liable for any damages or liability incurred by either the vendor, company, company agent, and/or applicant. The applicant understands that the City of Statesboro and the Statesboro Police Department are not guaranteeing the work of any vendor, company or company agent, nor insuring the vendor, company, company agent, and/or applicant against a loss of any kind, nor indemnifying the vendor, company, company agent, and/or applicants. The applicant is aware that until he/she receives a written letter of approval from the Statesboro Police Department funding is not guaranteed. The applicant has read the Security Camera Incentive Program guidelines discussing the eligibility requirements for the security camera grant incentive. Any installation work performed prior to receiving a written letter of approval from the Statesboro Police Department is performed at the applicant's own risk and cost, and is not to be funded.

Property Owner Signature _____ Date _____

Note: Your City of Statesboro bills (sanitation, utility, etc.) and your property taxes must be paid to participate in the replacement assistance program. The City will verify that all bills have been paid.

The Statesboro Police Department will review the price quotations for the reasonableness of the cost.

Section II: Reserved for Statesboro Police Department

Checklist:

- Verify Property Owner and Address
- Proof of Property Ownership
- Verify City Bills are current
- Three Minimum Estimates/Quotations

Fiscal Year: _____

Date Reviewed: _____

Approval Amount: _____

Lowest Bid Contractor: _____

Total Paid Contract: _____

***Grant Incentive payments will be made directly to the vendor or company when the installation is completed and verified. The grant incentive payment will only include the cost of the actual camera and does not include sales tax, installation, accessories, and storage.**



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

TO: Charles Penny, City Manager

FROM: Mike Broadhead, Chief of Police

DATE: September 5, 2023

RE: Purchase of Equipment for Patrol cars

POLICY ISSUE: Purchase of Equipment

RECOMMENDATION: That Council approve the purchase of required equipment to "upfit" 8 patrol cars, not to exceed \$286,000.

BACKGROUND: During a regular session of the City Council in August, 2023, Council approved the purchase of 8 new patrol cars as part of the annual vehicle purchase to keep the patrol fleet in working order. We were unable to get accurate information on the cost of equipping (or "upfitting") these cars at that time but now have received the necessary information. Upfitting includes all of the equipment that turns a vehicle into a patrol car: on-board computer (and associated software and mounting hardware), cameras (integrated dash cams and body cams), push bumpers, emergency lights and siren systems, prisoner compartment, exterior graphics, etc and the labor to install all of this equipment. This equipment will be purchased following the city's purchasing policy, and includes prices obtained through the state bid process, a sole source contract (Patrol PC), and by "piggy-backing" on existing government contracts. Cost to upfit these 8 cars will not exceed \$286,000. These funds are budgeted through SPLOST.

BUDGET IMPACT: Police vehicles and related equipment were approved as part of the SPLOST expenditures.

COUNCIL DISTRICT: All

ATTACHMENTS: N/A

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
Venus Mack
John C. Riggs
Shari Barr



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: March 31, 2022

RE: April 5, 2022 City Council Agenda Items

Policy Issue: *Consideration of amended Development Agreement with L & S Acquisitions giving six month extension for installation of public infrastructure.*

Recommendation: Approve

Background: City entered into Development Agreement with Developer L & S Acquisitions for installation of public infrastructure with dedication date of October 5, 2023. Attached Amendment would allow for a six month extension for installation as requested by Developer.

Budget Impact: TBD

Council Person and District: Phil Boyum, District 1

Attachments: Proposed development agreement and request from Developer

AMENDED SUBDIVISION INFRASTRUCTURE DEVELOPMENT AGREEMENT

GEORGIA, BULLOCH COUNTY.

This Agreement made and entered into this 5th day of September, 2023, by and between **MAYOR AND CITY COUNCIL OF STATESBORO**, a municipal corporation incorporated under the laws of Georgia, its assigns and successors, hereinafter known as "City", and L & S Acquisitions LLC, a Georgia limited liability corporation, its assigns and successors, hereinafter known as "Developer";

WITNESSETH:

WHEREAS, the City of Statesboro's subdivision regulations by Article 3, Subdivision Platting Procedure and Requirements provides for two methods of compliance: Section 3 .1 E Option 1 and Section 3 .1 E Option 2; and,

WHEREAS, Developer desires to utilize Option 2 as provided by Section 3 .1 E of the subdivision regulations; and,

WHEREAS, the City of Statesboro's residential subdivision incentive program provides for two methods of consideration: Article 1 and Article 2; and

WHEREAS, Developer desires to utilize Article 1 or the residential subdivision incentive program;

NOW, THEREFORE, the City and Developer covenant and agree as follows:

1. Developer agrees to install at its cost not later than 5th of April, 2024, all of the streets, curb and gutter, drainage pipe and/or ditches, retention and/or detention ponds; sidewalks, bikeways, and similar pedestrian transportation systems; street lights; electricity; telecommunications; water and sewer mains and taps; and all other infrastructure designated on the Final Plat, the Preliminary Plat for the portion designated in this specific phase, and associated documents filed with the City as a part of this subdivision review and approval process for all phases of Fernhill Farms Subdivision, said plat as designed by the project engineer, Maxwell-Reddick & Associates, dated 14th day of December, 2021.
2. Developer agrees to provide the City a copy of all recorded covenants and restrictions which now or in the future pertain to this subdivision; and any documents now or in the future pertaining to the ownership, operation and maintenance of all common areas not owned by an individual lot owner, or to be dedicated to the City.
3. Developer agrees to dedicate to the City at no cost all public street and other rights-of-way, easements, and all the infrastructure enumerated in Paragraph 1 above except for the electricity and telecommunications; and to dedicate any other infrastructure as follows: None. It is expressly understood that should the Developer choose to make this a gated community, thereby restricting public access, that any roads and road rights-of-way would not be accepted for ownership and maintenance by the City, but the City would obtain a fifteen feet wide easement for the installation and maintenance of any water, sewer and natural gas lines. Developer agrees that in that case, it will have its engineer modify the plans to show said easements, and to notate on the plat that these roads are privately owned, and maintenance will be the responsibility of a homeowners' association, not the City of Statesboro.

4. Developer, as part of the consideration for this agreement, shall provide as collateral the following financial assets guaranteeing the installation of all Phases of infrastructure as enumerated in Paragraph 3: letter of credit? from Synovus Bank (#???) in the amount of two million seven hundred twenty five thousand forty three dollars (\$2,725,043.00), which the Developer is using to install said infrastructure in accordance with the project engineer's cost estimate; and indicating that in the event of non-performance of this Agreement that Synovus Bank will release sufficient funds from said line of credit to reimburse the City for its installation of the public infrastructure Developer is required to install. City hereby acknowledges the sufficiency of said collateral. Developer hereby agrees that should it not finish the installation of the required infrastructure covered by the terms of this Agreement by the agreed upon date in Paragraph 1 above, City is hereby authorized to draw against the collateral given in an amount necessary for City to hire a contractor(s) to finish said infrastructure in a timely manner. City shall inform Developer of this decision before proceeding with the contracts and draw down of funds. City shall not unreasonably deny a request for time extension for satisfactory completion of the infrastructure.

5. Developer further agrees to keep said collateral in full force and effect until said infrastructure is installed completely in a manner satisfactory to the City Engineer. Developer further agrees that if the collateral time period should lapse, thereby negating the provision of the collateral, and said infrastructure has not been completely installed, a lien against the lots within said subdivision is hereby automatically created in favor of City in the full amount necessary for City to hire a contractor(s) to complete satisfactorily the unfinished portion(s) of said infrastructure and obtain ownership of it as outlined in Paragraph 3 above.

6. Developer agrees that it is voluntarily requesting funding under the City's Residential Subdivision Incentive Program, Chapter 62, Article I of the Statesboro Code of Ordinances, and agrees to comply with all requirements and Program criteria of said Code in consideration of receipt of incentives for installation of public street and utility infrastructure unless stated as follows: Section 2-2(j)6 shall be waived and replaced with the following : "For a period of one year running from the date the City of Statesboro accepts the roads in the subdivision, no more than 20% of lots for any phase shall be utilized for rental occupancy and those utilized for rental occupancy shall be leased for a minimum one year term."

7. City hereby agrees to make periodic construction inspections of the subdivision infrastructure in a timely manner and to promptly notify Developer, or his agent, of any and all corrections needed to comply with the construction documents and the City's Subdivision Regulations Ordinance's standards for said infrastructure. Nothing herein shall create an agency relationship between the City and Developer regarding said inspections and Developer remains fully responsible for (1) having his contractor(s) build and install the infrastructure properly; and (2) having the work periodically inspected by a qualified Professional Engineer, or an individual knowledgeable and experienced in utility and street construction materials and methods.

8. City hereby agrees to accept the dedication of the infrastructure enumerated in Paragraph 3 above, once it has been built to the City's standards and certified as such by the City Engineer and upon receipt of a set of "as-built" plans in a paper or electronic format acceptable to the City Engineer. However, if the Developer should decide to make this a gated community, as outlined in Paragraph 3, the City shall not accept dedication of the streets and street rights-of-way for ownership and maintenance.

9. Pursuant to Section 3.IE, Option 2, subparagraph 4, Maintenance of public improvements, the Developer agrees to post a maintenance bond with City before acceptance of the dedication of twenty percent (20%) of the total costs of required improvements of said facilities to warrant the infrastructure installation against defects for one (1) year after the date of their approval by the City.

10. All phases of this residential subdivision, 80 lots total, qualifies for Article 1 of the City's Subdivision Incentive Program and is subject to the following:

a) City shall reimburse Developer \$10,000 per lot or a maximum of \$800,000.00 aggregate for all phases, but no more than actual cost of construction, for installation of public street and public utility infrastructure as enumerated in Paragraph 1 and Paragraph 3. Reimbursement payment shall be lump sum for each respective phase of the Subdivision following completion and certification of proper installation by its City Engineer and request for payment in writing by Developer.

b) Developer shall be responsible for competitive bidding and payment of all invoices for all public street and public utility infrastructure.

c) Developer shall provide City with copy of bid documents, contracts, invoices, and proof of invoice payments for all public street and public utility infrastructure.

c) Further, the City will bid out and install the natural gas lines within the development at no cost to the Developer.

11. It is expressly agreed further that Developer, and subsequent lot purchasers shall not install any form of irrigation well, or pump to irrigate from a pond; but shall exclusively use City water for both potable and irrigation purposes. This is agreed to given the City's large capital investment in the water and sewer systems within the development. Developer agrees that this prohibition on irrigation wells and pond irrigation systems shall be noted on the Final Plat and covenants of each Phase of Fernhill Farms Subdivision.

12. This Agreement constitutes the entire agreement between the parties, and both agree that no other inducement of any kind has been relied upon in agreeing to the terms and conditions herein. The parties further agree that should any part of this Agreement be declared unenforceable by a court of competent jurisdiction, then the remainder of the Agreement shall continue in full force and effect and be interpreted to carry out the intent of the terms and conditions originally agreed to as closely as legally possible.

13. Both signatories covenant and affirm that they are legal representatives of the entities entering into this Agreement; that they are fully authorized, empowered, and directed to execute this Agreement; and that they are not violating any other agreement, contract, provision, court order or decree in entering into this Agreement.

14. This Agreement cannot be amended in any manner without the express written agreement of both parties.

15. This Agreement cannot be transferred, assigned, or conveyed by either party by any manner without the written approval of the other party.

16. This Agreement shall remain in full force and effect and inure to the benefit of the parties and their heirs, successors and assigns, until the infrastructure required to be installed under its provisions is completely installed in a manner satisfactory to the City Engineer, the public infrastructure has been offered for dedication by the Developer, or his heirs, successors or assigns, accepted by the City, and the one-year maintenance warranty period has expired with no outstanding maintenance problems.

17. This Agreement shall be interpreted under the laws of the State of Georgia, and any action by either party to enforce or enjoin its provisions shall be brought only in either the State Court or Superior Court of Bulloch County, Georgia.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth in the preamble above.

MAYOR AND CITY COUNCIL OF STATESBORO:

DEVELOPER:

By: _____

By: _____

Mayor

Title: _____

Attest: _____

Attest: _____

City Clerk

Title: _____

Signed, sealed and delivered in the presence of:

Witness

Notary Public

L & S Acquisitions, LLC

1800 Chandler Road
Statesboro, GA 30458
912-663-5859

24th August 2023

Honorable Mayor Jonathan McCollar and City Council

50 East Main St.
Statesboro, Georgia 30458

RE: Fernhill Farms

Dear Mayor McCollar and Council Members,

Our development company is proud to have been chosen as a recipient of Statesboro's residential subdivision program. Fernhill Farms, located on Lakeview Road, is in the process of infrastructure installation. Based on the Subdivision Infrastructure Development Agreement contract we signed, we are formally requesting an extension for completion due to reasons beyond our control (Page 1, Paragraph 1). We request an additional 180 days, and would ask for consideration of contract modification to state this delayed completion date.

Please find the letter attached we received from Matt Wood, Ellis Wood Contracting, on August 21, 2023. He states the numerous factors for the delay, which are mostly out of his control. Matt has been diligently working to meet the current deadline and has continued to communicate with us, as well as city officials.

We also ask for clarification of the sidewalk installation timing. We agree with Matt that the sidewalks should be installed after each of the houses are built to avoid getting damaged during the construction process. Your consideration of this, as well as extending the completion deadline, is appreciated. Again, we thank you for allowing us to participate in the subdivision program, and look forward to providing quality housing within the city limits of Statesboro.

Sincerely,

L & S Acquisitions, LLC

Stephen Sauers/Lisa Hodges- Owners

----- Forwarded message -----

From: Matt Wood <mwood@elliswoodcontracting.com>

Date: Mon, Aug 21, 2023 at 12:38 PM

Subject: Fernhill/Bland Tract

To: Stephen Sauers (sdsauers@gmail.com) <sdsauers@gmail.com>

Stephen,

I understand there is a deadline approaching for parts of the work to be completed at Fernhill/Bland Tract.

Although we are diligently working to try to and meet the deadline, we respectfully ask for a time extension to December 31, 2023. There are many factors that have led into an extension request which are outlined below:

1 This was a very large and complex underground utility (storm, water, sewer) project. As you know, the entire industry is facing extended wait times on concrete pipe, precast concrete storm structures, metal frames, and metal inlet tops. We were faced with these same issues on this project.

2 This project has had over 37" of rain so far this year. As you are aware, due to the nature of the soils on site, even a small rain can delay work on the project for several days. We have experienced multiple delays of several days due to rain events.

3 This project was very large and complex from a clearing and grading standpoint. There was over 30,000 CY of onsite cut and shift and over 12,000 CY of import material hauled to the project. These items were very time consuming processes and were also very susceptible to rain events.

4 The local labor market continues to be stressed and staffing shortages are prevalent. We are facing this in our Company as well as with our subcontractor partners.

5 Concrete curb and gutter is scheduled to start this week. However, concrete remains another item that has a very high demand locally and unexpected delays are common in our area.

Also, as you are aware the Subdivision Infrastructure Development Agreement states that all sidewalks be installed. As we have discussed, we both feel strongly that the sidewalks need to be installed after the structures are built so that they are not broken or damaged during the building process. Our timeline above has nothing included for the sidewalk installation.

Furthermore, the agreement also states that all streetlights, electricity, and telecommunications be in place. As you know that is not in our scope either.

Thanks,

Matt Wood