



*City of Statesboro*  
*Department of Planning and Development Memorandum*

---

50 East Main Street      P.O. Box 348      » (912) 764-0630  
Statesboro, Georgia 30458      Statesboro, Georgia 30459      » (912) 764-0664 (Fax)

**Statesboro Planning Commission**

**September 4, 2018**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Agenda**

**I. Call to Order**

**II. Invocation & Pledge of Allegiance**

**III. Approval of Minutes**

1. August 7, 2018 Meeting Minutes

**IV. New Business**

1. **APPLICATION RZ 18-08-01**: Deep South Properties requests a zoning map amendment of 13.96 acres of property located at 316 Fletcher Drive from the R-20 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to develop a multi-family triplex community for a combination of parcels addressed 316 Fletcher Drive and Fletcher Drive (Tax Parcel(s) S35 000009 001 & S35 000009 000).
2. **APPLICATION RZ 18-08-02**: BVT-AKINS, LP requests a zoning map amendment of 49.65 acres, a portion of a larger 225.45 acre tract located on Veterans Memorial Parkway and Old Register Road from R-40 (Single Family Residential) to the CR (Commercial Retail) zoning district in order to develop a commercial retail center (Tax Parcel 076 000001 000).
3. **Article 31: Solar Installation and Operation**: The Department of Planning & Development request consideration for adoption of an Ordinance Amendment **ARTICLE 31: SOLAR INSTALLATION AND OPERATION** governing solar energy systems within the City of Statesboro.

**V. Announcements**

**VI. Adjourn**



*City of Statesboro*  
*Department of Planning and Development Memorandum*

---

50 East Main Street P.O. Box 348 » (912) 764-0630  
Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

**Statesboro Planning Commission**

**August 7, 2018**

**5:00 P.M.**

**City Hall Council Chamber**

**Meeting Minutes**

**Present:** Planning Commission Members: James W. Byrd, Sr., Carlos C. Brown, Jr., David McLendon, Benjamin McKay, and Mary Foreman **Absent:** Russel Rosengart, Jamey Cartee; **City of Statesboro Staff:** Director of Planning and Development Frank Neal, City Planner Sharon Anton

**I. Call to Order**

Commissioner Byrd called the meeting to order at 5:00 PM.

**II. Invocation & Pledge of Allegiance**

**III. Approval of Minutes**

1. July 10, 2018 Meeting Minutes

Commissioner McLendon made a motion to approve the July 10, 2018 meeting minutes, seconded by Commissioner McKay. The motion carried 4-0.

*Commissioner Brown arrived at the meeting at 5:05 PM, following this vote.*

**IV. New Business**

1. **APPLICATION RZ 18-07-01:** Haken Holdings requests a zoning map amendment of 2.24 acres of property located at 814 South Main Street from the CR (Commercial Retail) to the R-4 (High Density Residential) zoning district in order to develop a multi-family cottage community (Tax Parcel MS52 000027 000).

Frank Neal introduced the case, and David Maxwell spoke as a representative of Haken Holdings. Mr. Maxwell described the proposed development as cottage-style apartments with students as the targeted tenant population due to the site's proximity to Georgia Southern University. Commissioner Foreman inquired about the number of bedrooms per apartment building. Mr. Maxwell addressed Commissioner Foreman's inquiry. Commissioner McLendon voiced some concerns regarding the Mail Kiosk's location due to the proximity to Main Street. Mr. Maxwell addressed Commissioner McLendon's concern by agreeing to work with staff on the mail kiosk location during the site plan review process. Commissioner Foreman made a motion to recommend approval of RZ-18-07-01. Commissioner McLendon seconded, and the motion carried 5-0.

2. **APPLICATION RZ 18-07-02:** Windward South requests a zoning map amendment of 19.2 acres from a 54.12 acre property located on S&S Railroad Bed Road from R-10/R-8 (Single Family Residential) to the PUD (Planned Unit Development) zoning district in order to develop a multifamily residential subdivision (Tax Parcel # 107 000009 000).

Frank Neal introduced the case, and John Dotson as well as David Pearce spoke as a representative of Windward South. Mr. Dotson described the proposed development as a multi-family townhome style community. Mr. Pearce stated that the proposed development would offer approximately 3 townhomes per building. Additionally, he described the development to be set up for Fee Simple ownership. Mr. Neal mentioned that the Landscape and Site Plan would require some revisions prior to staff's site plan approval. Commissioner McKay made a motion to recommend approval of RZ-18-07-02. Commissioner Foreman seconded, and the motion carried 5-0.

3. **APPLICATION CBD 18-07-03:** Northland Communications Corporation requests approval of the proposed site and architectural plans submitted for 1.17 acres of property located at 32 E. Vine St, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S29 000019 000).

Frank Neal introduced the case, and Lee Johnson of Northland Cable Television was present to answer any questions and/or comments from Planning Commission. Mr. Johnson requested information regarding how to obtain a variance on the number of trees required on the development site. Mr. Neal provided some brief information on this type of variance. Commissioner McLendon made a motion to recommend approval of CBD-18-07-03. Commissioner Brown seconded, and the motion carried 5-0.

**V. Announcements**

**VI. Adjourn**

The meeting adjourned at 5:28 PM.

---

**Chair – James W. Byrd, Sr.**

---

**Secretary – Frank Neal, AICP  
Director of Planning and Development**



*City of Statesboro-Department of Planning and Development*  
**DEVELOPMENT SERVICES REPORT**

P.O. Box 348  
 Statesboro, Georgia 30458

(912) 764-0630  
 (912) 764-0664 (Fax)

**RZ 18-08-01**  
**ZONING MAP AMENDMENT REQUEST**  
**316 Fletcher Drive**

<b>LOCATION:</b>	316 Fletcher Drive
<b>REQUEST:</b>	Zoning map amendment from R-20 (Single Family Residential) to R4 (High Density Residential District).
<b>APPLICANT:</b>	Deep South Properties
<b>OWNER(S):</b>	Minnie Faye Love Newport, Etal & Alvin D. Grant Senior
<b>ACRES:</b>	13.96 Acres
<b>PARCEL TAX MAP #:</b>	S35 000009 001 & S35 000009 000
<b>COUNCIL DISTRICT:</b>	District 1 (Boyum)



**PROPOSAL:**

The applicant requests a zoning map amendment from the R-20 (Single Family Residential) zoning district to the R-4 (High Density Residential) zoning district in order to develop a multi-family triplex community consisting of 45 three bedroom units (135 bedrooms total), which is not an allowed use in the existing zoning designation.

**BACKGROUND:**

The eastern parcel contains a single family home along with an accessory building. The western parcel consists of vacant land, which may have been previously used for farming. In March 2013, the City previously received a special exception application to permit the use of a hair salon in the existing accessory structure, but the application was denied by City Council in August 2013.

**SURROUNDING LAND USES/ZONING:**

	ZONING:	LAND USE:
<b>NORTH:</b>	R25 (Single Family Residential – Bulloch County & LI (Light Industrial – Bulloch County)	Storage Warehouse
<b>SOUTH:</b>	R-20 (Single Family Residential)	Warehouses and Single Family Homes
<b>EAST:</b>	LI (Light Industrial)	Industrial Warehouses and Businesses
<b>WEST:</b>	R-20 (Single Family Residential)	Single Family Homes

The subject property is located within the R-20 (Single Family Residential) district. Surrounding parcels include single family residential, industrial uses, and the Southern Railway Line bordering the property to the East (See **Exhibit A** – Location Map, **Exhibit B** — Future Development Map, **Exhibit C** —Photos of Subject Site, & **Exhibit D** — Conceptual Layout).

**ATTACHMENTS:** Exhibit A (Location Map), Exhibit B (Future Development Map), Exhibit C (Photos of Subject Site), Exhibit D (Conceptual Layout)

**COMPREHENSIVE PLAN:**

The *City of Statesboro Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

<b><u>“Established/Existing Traditional Neighborhood”</u></b>	
<b><i>Vision:</i></b>	The traditional residential neighborhoods in the <b><i>Established</i></b> area were developed from the late 19 <sup>th</sup> to mid-20 <sup>th</sup> century, and feature connected street grids linked with downtown. Sidewalks should be located on both sides of major streets; lesser streets may have limited facilities. Major corridors in this area may support a mix of residential and commercial uses. As corridors transition from residential to commercial, the original structures should be maintained and renovated whenever possible. Any new structures should respect the existing fabric of the neighborhood, through similar front, side, and rear setbacks.
<b><i>Suggested Development &amp; Implementation Strategies:</i></b>	<ul style="list-style-type: none"> <li>• Develop architectural guidelines to guide new development and renovations of historic buildings within historic districts.</li> <li>• Residential developments that incorporate “corner commercial” sites such as dry cleaning, convenience grocery, or similar retail services.</li> <li>• Enlisting significant site features (view corridors, water features, farm land, wetlands, parks, trails, etc.) as amenity that shapes identity and character of development.</li> <li>• Infill, redevelopment, and new development should promote lot sizes and setbacks appropriate for each neighborhood.</li> <li>• Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.</li> </ul> <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 17-19.</i></p>

The subject area is also adjacent to the “Residential Redevelopment” character areas.

<b><u>“Residential Redevelopment Area”</u></b>	
<b><i>Vision:</i></b> This character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use.	<b><i>Suggested Development &amp; Implementation Strategy:</i></b> <ul style="list-style-type: none"> <li>• The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development.</li> </ul>

Per Article VII Section 700, the Appendix A of the Code of Ordinances of Statesboro, Georgia:

**High density residential purposes** shall be “in accordance with the objectives, policies, and proposals of the future land use 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.”

**ANALYSIS**

**COMMUNITY FACILITIES AND TRANSPORTATION:**

The subject site is currently served by city services including water, sewer, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

**ENVIRONMENTAL:**

Per Exhibit D and Bulloch County GIS, the subject property does contain wetlands, but it should not impact this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

**ZONING CONSIDERATIONS:**

**Whether or not to grant a zoning map amendment from the R-20 (Single Family Residential) zoning district to the R-4 (High Density Residential) zoning district.**

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed R-4 (High Density Residential) district as set forth in the *Statesboro Zoning Ordinance*.

<p><b>Current Zoning</b></p> <p>The single family residential (R-20) district can accommodate a variety of business, educational, municipal, and some residential uses. However, "High Density Residential," are not listed as permissible uses allowable by right in the R-20 district. Those uses are explicitly permitted in the R-4 district.</p>	<p><b>Requested Zoning</b></p> <p>The R-4 (High Density Residential) district allows for apartment houses and single family attached dwelling units, which is the applicant's intended land use for the subject property. Under the R-4 zoning district, the subject property would be zoned for a potential development density of 167 dwelling units (12 units/acre allowed under the R-4 district).</p>
---	--

**STANDARDS: ZONING MAP AMENDMENT**

Section 2007 of the *Statesboro Zoning Ordinance* provides **eight (8) standards** for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment, in "**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**" Those standards are as follows:

- (1) **Existing uses and zoning or (of) property nearby**
  - a. Existing uses and zoning of property nearby varies. **The surrounding lots are zoned R-20 (Single Family Residential), LI (Light Industrial), and R-10 (Single Family Residential),** and are occupied by single family homes, industrial warehouses/businesses, and the Southern Railway Line.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
  - a. The proposed use may have an adverse effect on property values in the area given the uses of surrounding structures. Please note that staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment on the property value. Therefore, any discussion pertaining to specific property values should be considered speculative.
- (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.**

- a. The subject site is currently zoned R-20 (Single Family Residential). Per Articles IV, section 401, this parcel can currently be occupied by single family detached dwelling units, educational institutions, municipal uses, and professional offices/home occupations, similar to some of the surrounding lots. However, high density residential developments are specifically restricted to R-4 zoned properties. Under the proposed zoning, the applicant would be able to develop a high density residential project. Compatibility with the character of the surrounding area should be considered.

**(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.**

- a. There is no past zoning history on this property. The eastern parcel contains a single family home along with a vacant accessory building. The western parcel is vacant land.

**(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and**

- a. Proposed land use change would cause an increase in population density.
- b. Proposed land use change will not be consistent with existing land use pattern nor the Future Development Map.

**(8) Consistency with other governmental land use, transportation, and development plans for the community.**

- a. The Comprehensive plan supports high density residential development within the Urban Core and Developing Residential character areas of the City; however, the plan also supports the preservation of existing single-family residential neighborhoods.

**RECOMMENDATION:**

Staff recommends disapproval of this zoning map amendment. The applicant's proposed use will not be compatible with the surrounding land uses. Additionally, the requested zoning change does not adhere to the Statesboro Comprehensive Master plan in regards to the Future Development Map and the subject site's Character Area.

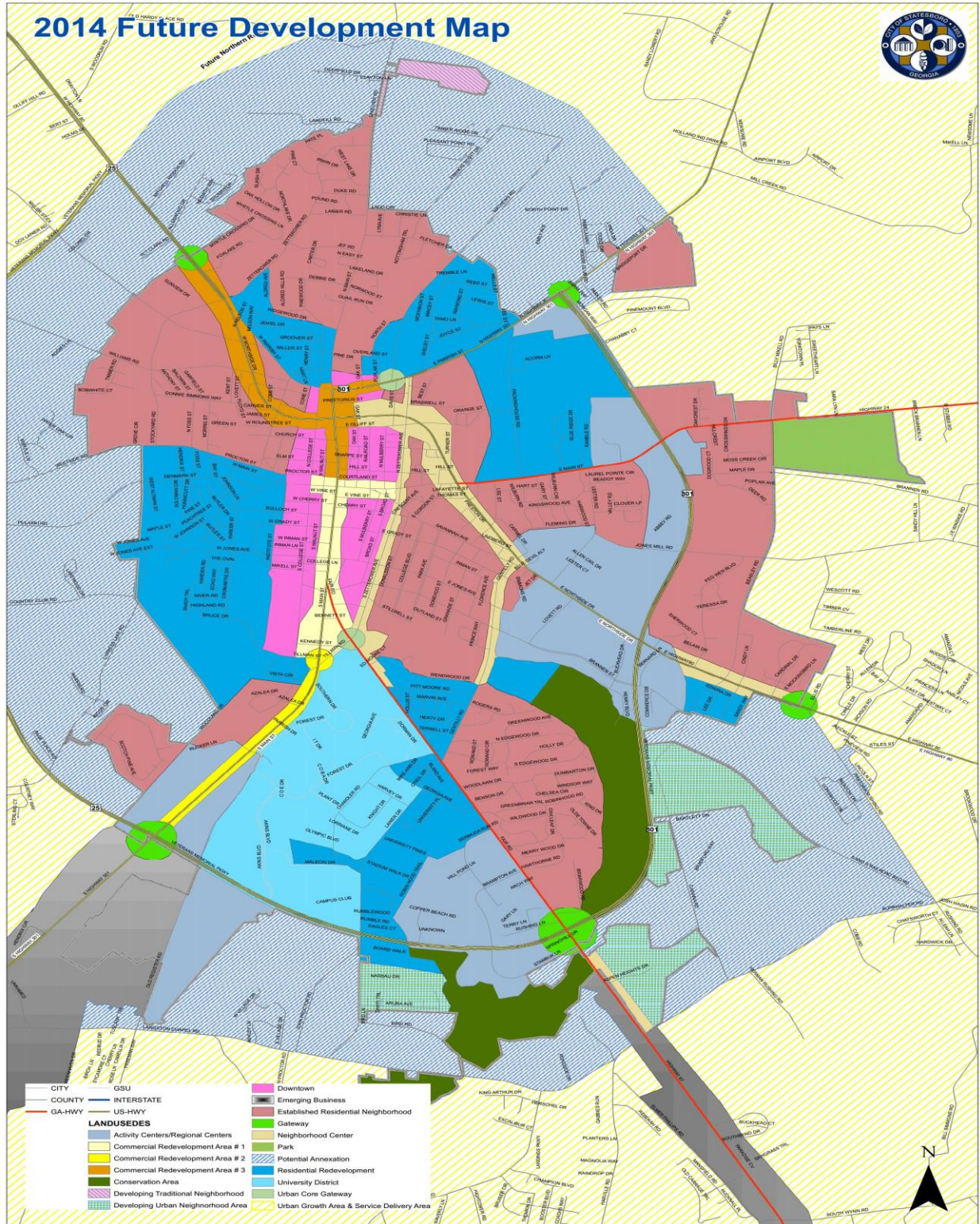
Additionally, the Fire Department has conducted a preliminary review of the conceptual plan dated June 28, 2018. The following are general notes, observations and concerns from the review:

1. No secondary point of egress shown on the applicant's conceptual plan.
2. Fire hydrant installation required for the rear portion of the development site.
3. Current travel distance from a hydrant to some of the proposed buildings exceeds more than 500 feet. Hydrant location and travel distance to the exterior of all buildings shall be less than 500 feet. If Fire Department Connection (FDC) is installed, hydrants shall be within 100 feet of the FDC.





EXHIBIT B: FUTURE DEVELOPMENT MAP



**EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS**

**Picture 1:** Eastern Boundary of subject site, looking south from Fletcher Drive



**Picture 2:** Looking west, the northern boundary of the subject site looking along Fletcher Drive



**Picture 3:** Front view of subject site, looking south from Fletcher Drive



**Picture 4:** Looking north from subject site, currently an industrial warehouse



**Picture 5:** Front view of the subject site, looking east along Fletcher Drive



**Picture 6:** Front view of subject site, looking south from Fletcher Drive



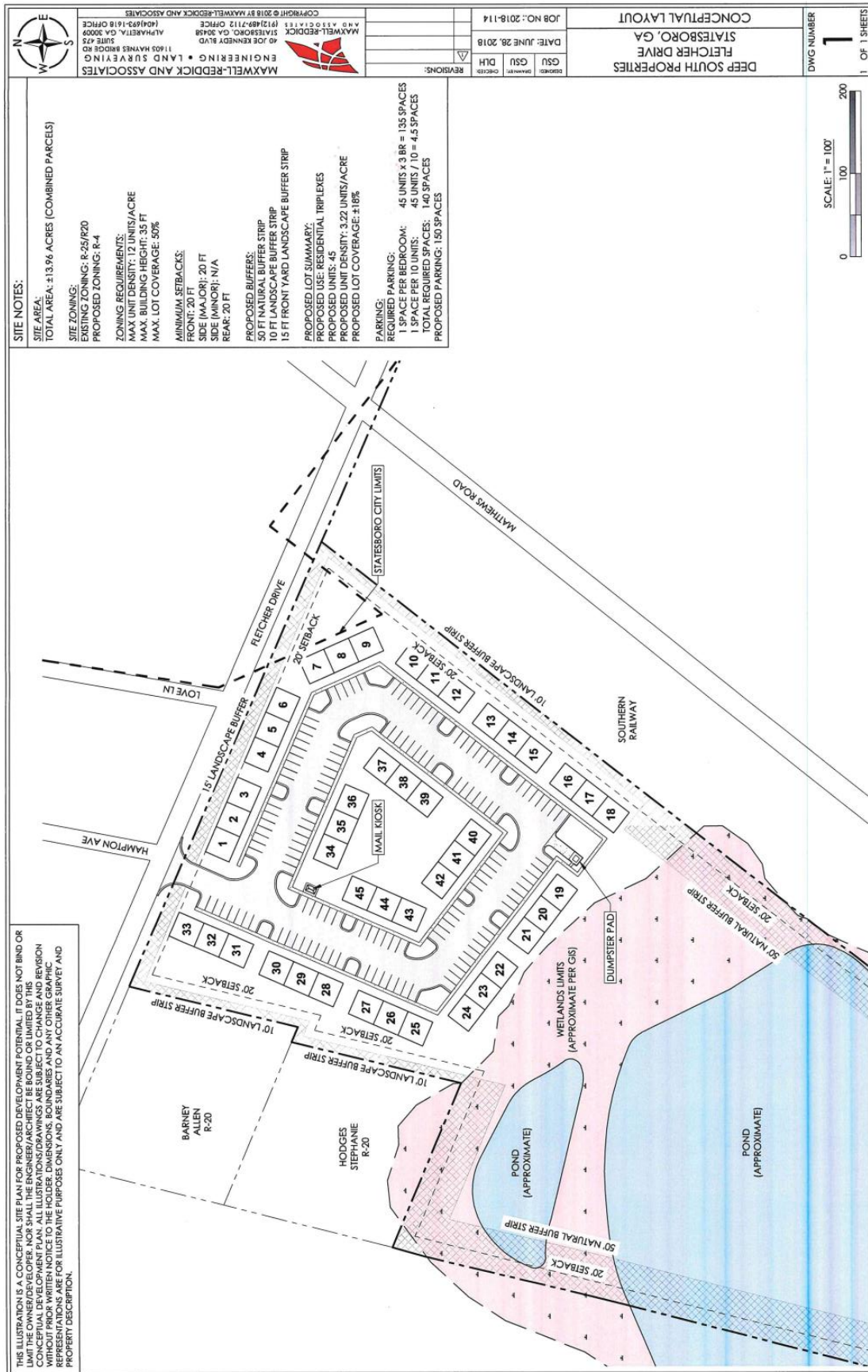
**Picture 7:** View of pond/wetlands located within the southern portion of the subject site



**Picture 8:** Looking east from the subject site, currently light industrial/warehouse uses



**EXHIBIT D: Conceptual Layout**





**COMPREHENSIVE PLAN:**

The *City of Statesboro Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

<b><u>“Activity Centers/Regional Centers”</u></b>	
<b><i>Vision:</i></b>	Currently dominated by auto-oriented design and large surface parking lots, the <b>Activity Centers</b> will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.
<b><i>Suggested Development &amp; Implementation Strategies:</i></b>	<ul style="list-style-type: none"> <li>• Appropriate land uses include: (1) Small, mid-size, and regional retail and commercial, including big box stores; (2) Entertainment; (3) Employment Centers.</li> <li>• Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence.</li> <li>• Future developments and highway improvements within these areas should include pedestrian and bicycle access to surrounding neighborhoods.</li> <li>• Require shade trees to be planted in parking lots and along highway corridors.</li> <li>• Incorporate inter-parcel connectivity, especially along major thoroughfares.</li> <li>• Include community gathering places, such as squares, plazas, etc. into commercial and mixed used developments.</li> <li>• Use infrastructure availability to steer development away from areas of natural, cultural, and environmentally sensitive resources.</li> </ul> <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 25-26.</i></p>

The subject area lies between “Emerging Business” character area and the “Potential Annexation” area.

<b><u>“Emerging Business”</u></b>	<b><u>“Potential Annexation”</u></b>
<p><b><i>Vision:</i></b> The <b>Emerging Business</b> area will support the creation of a park to support office and business development opportunities. This area is ideally situated adjacent to the Veteran’s Memorial Bypass, Highway 301, the rail line, and near AgriBusiness Center. This business incubator center is well-positioned to coordinate with the College of Information Technology at GSU.</p>	<p><b><i>Vision:</i></b> The establishment of an <b>annexation policy</b> can provide clear guidance to community leaders in evaluating annexation requests or proposals to extend the city limits. Annexation should be linked to the ability to provide adequate city services. A component of the annexation policy should be to identify the appropriate character area for the newly annexed property.</p>

Per Article X Section 1001(A), the Appendix A of the Code of Ordinances of Statesboro, Georgia:

Any use specifically permitted in a CBD district shall be allowed in the CR (Commercial Retail) District. “It shall be the purpose of the CBD district to provide for the orderly development of a major business and commerce area of the City of Statesboro in accordance with the objectives, policies and proposals of the future land use plan of the city. 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 shall 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”.



**ANALYSIS**

**COMMUNITY FACILITIES AND TRANSPORTATION:**

The subject site is currently served by city services including water, sewer, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request. The subject property has significant frontage on Veterans Memorial Parkway and limited frontage on Old Register Road. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* suggests no expected capacity deficiencies on Old Register Road or Veterans Memorial Parkway.

**ENVIRONMENTAL:**

Per Exhibit D and Bulloch County GIS, the subject property does contain wetlands, but it should not impact this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

**ZONING CONSIDERATIONS:**

**Whether or not to grant a zoning map amendment from the R-40 (Single Family Residential) zoning district to the CR (Commercial Retail) zoning district.**

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed CR (Commercial Retail) district as set forth in the *Statesboro Zoning Ordinance*.

<b>Current Zoning</b>	<b>Requested Zoning</b>
The single family residential (R-40) district can accommodate a variety of business, educational, municipal, and some residential uses. However, "Commercial Retail," are not listed as permissible uses allowable by right in the R-40 district. Those uses are explicitly permitted in the CR district.	The CR (Commercial Retail) district allows for retail establishment or wholesale establishments, which is the applicant's intended land use for the subject property.

**STANDARDS: ZONING MAP AMENDMENT**

Section 2007 of the *Statesboro Zoning Ordinance* provides **eight (8) standards** for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment, in "**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**" Those standards are as follows:

**(1) Existing uses and zoning or (of) property nearby**

- a. Existing uses and zoning of property nearby varies. **The surrounding lots are zoned HC (Highway Commercial), EXPT (Exempt), and PUD/CR (Planned Unit Development/Commercial Retail)**, and are occupied by an entertainment complex/driving range, auto service center, Georgia Power Substation, Georgia Southern University, and undeveloped land.

**(2) The extent to which property values are diminished by the particular zoning restrictions.**

- a. The proposed use is not expected to have an adverse effect on property values in the area given the surrounding uses. Please note that staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment on the property value.

**(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.**

- a. The subject site is currently zoned R-40 (Single Family Residential). Per Article VII, section 701-E., this parcel can currently be occupied by single family detached dwelling units, educational institutions, municipal uses, and professional offices/home occupations. However, commercial retail developments are specifically restricted to CR zoned properties. Under the proposed zoning, the applicant would be able to develop a commercial retail center. This request gives the applicant an opportunity to serve members of the community and neighborhood while contributing with a commercial retail use as encourage by the *Comprehensive Plan*.

**(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.**

- a. In August 2010, the property was annexed into the city limits and re-zoned to R-40 (Single Family Residential). The property is currently undeveloped land.

**(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and**

- a. Impacts on local traffic should be considered.
- b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area as well as consistent with the 2014 Future Development Map and the *Statesboro Comprehensive Plan*.

**(8) Consistency with other governmental land use, transportation, and development plans for the community.**

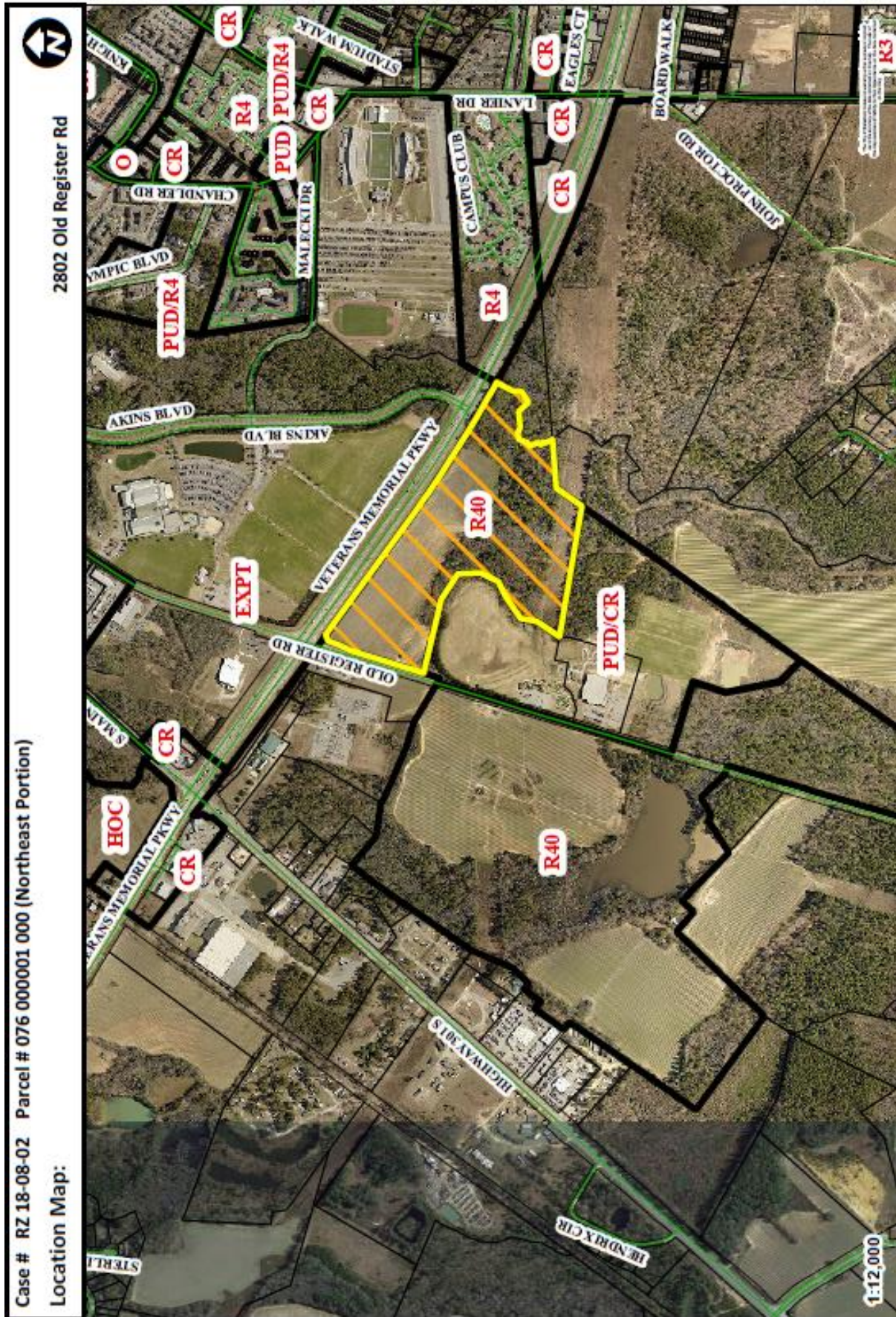
- a. Use of the property as a commercial retail center is consistent with the vision and guiding principles of the "Activity Centers/Regional Centers" character area as articulated within the *Statesboro Comprehensive Plan* which promotes regional retail and commercial centers.

**RECOMMENDATION:**

Staff recommends approval of this zoning map amendment with the following conditions:

- (a) Permissible uses shall be restricted to those uses permissible by right in the Central Business District for the City of Statesboro.
- (b) Site plan approval.

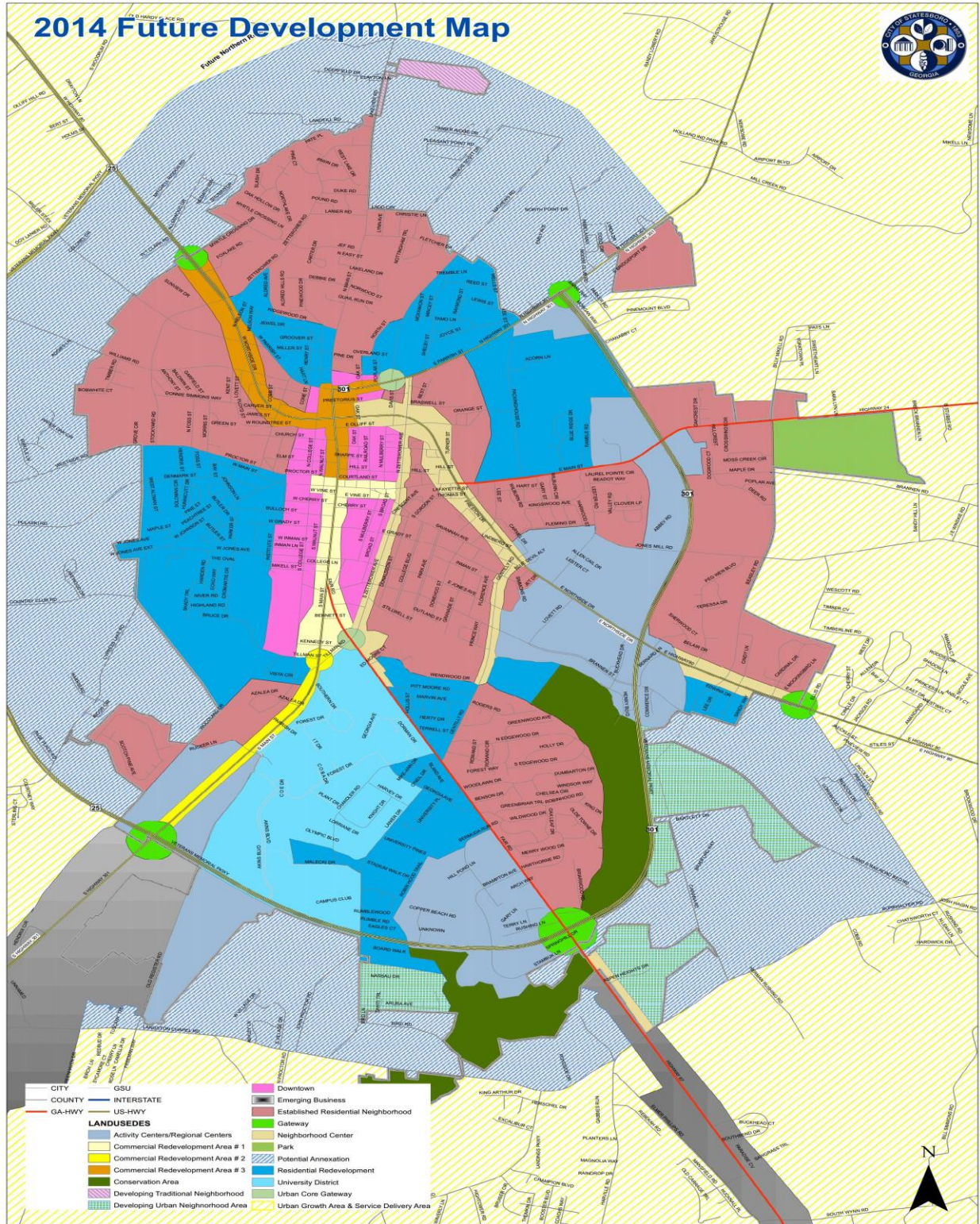
EXHIBIT A: LOCATION MAP



City of Statesboro Department of Planning and Development  
 Note: The boundaries depicted on this map are approximate and should be used for reference only.



EXHIBIT B: FUTURE DEVELOPMENT MAP



**EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS**

**Picture 1:** Looking north along Old Register Road, the eastern boundary of the subject site



**Picture 2:** Looking east from subject site, currently undeveloped land and a Georgia Power substation



**Picture 3:** Looking south along Old Register Road, the eastern boundary of the subject site



**Picture 4:** Looking east along Veterans Memorial Parkway, the northern boundary site of the subject site



**Picture 5:** Looking South from subject site, currently Hackers/Clubhouse Entertainment Complex



**Picture 6:** Looking west from subject site, currently an automotive services center

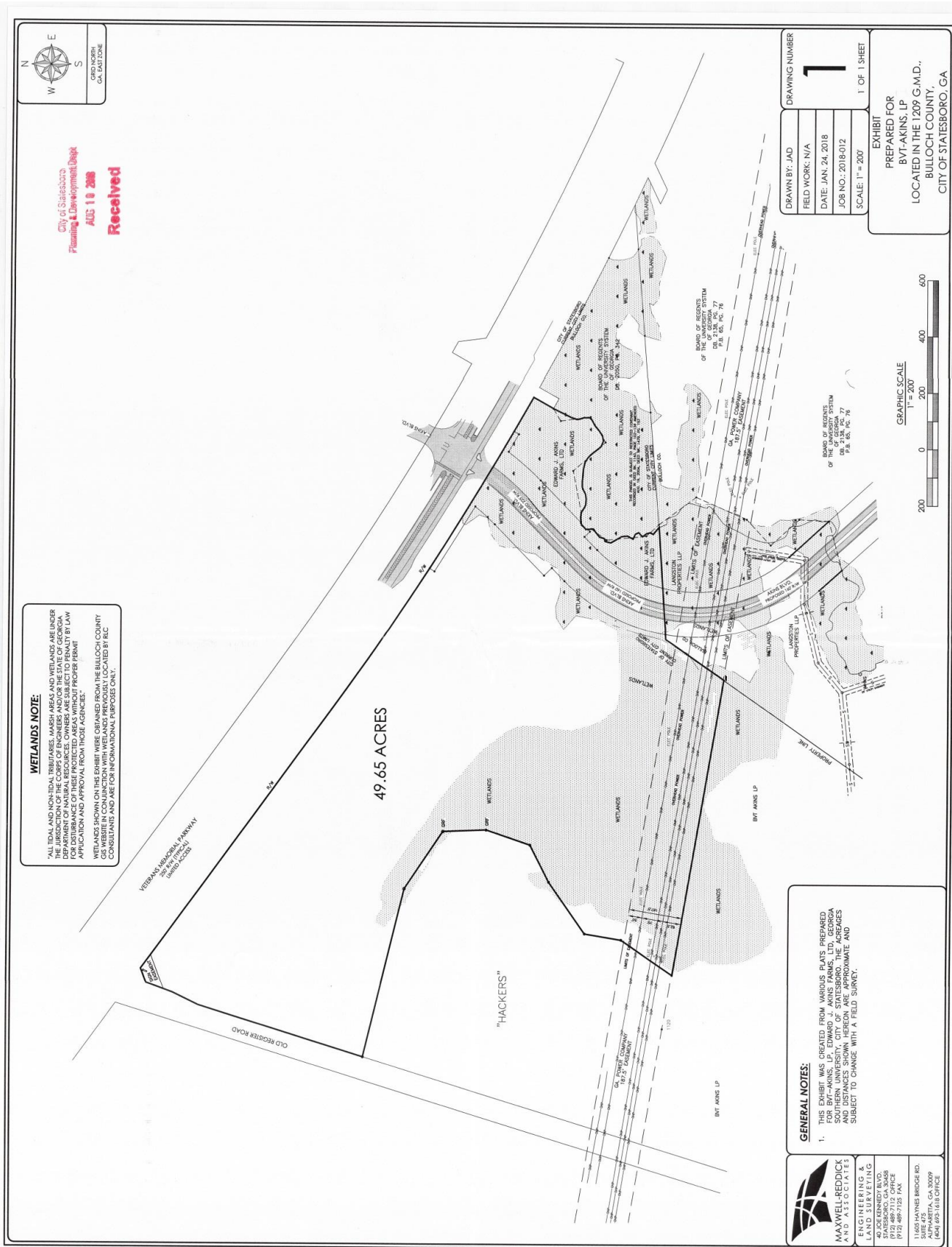


**Picture 7:** Looking north from the subject site, currently Georgia South University's Recreation Activity Center Athletic Fields





**EXHIBIT D: Site Boundary Map**



**WETLANDS NOTE:**  
ALL TIDAL AND NON-TIDAL TRIBUTARIES, MARSH AREAS AND WETLANDS ARE UNDER FEDERAL AND STATE PROTECTION UNDER THE CLEAN WATER ACT OF 1972 AND THE FEDERAL BIRD PROTECTION ACT OF 1970. ANY DISTURBANCE OF THESE PROTECTED AREAS WITHOUT PROPER PERMIT APPLICATION AND APPROVAL FROM THESE AGENCIES.  
WETLANDS SHOWN ON THIS EXHIBIT WERE OBTAINED FROM THE BULLOCH COUNTY CONSULTANTS AND ARE FOR INFORMATIONAL PURPOSES ONLY.

**GENERAL NOTES:**  
1. THIS EXHIBIT WAS CREATED FROM VARIOUS PLATS PREPARED FOR BVT-AMINS, LP, EDWARD J. AMINS FARMS, LTD., GEORGIA. DISTANCES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO CHANGE WITH A FIELD SURVEY.

**MAXWELL REDDICK & ASSOCIATES**  
ENGINEERING & LAND SURVEYING  
40 JOE KENNEDY BLVD.  
SUITE 200  
BULLOCH COUNTY, GA 30909  
(912) 489-7125 FAX  
(912) 489-7125 FAX  
11605 HAYNES BRIDGE RD.  
SUITE #275  
BULLOCH COUNTY, GA 30909  
(404) 693-1418 OFFICE



City of Statesboro  
Planning & Development Dept.  
**AUG 19 2018**  
**Received**

DRAWN BY: JAD  
FIELD WORK: N/A  
DATE: JAN. 24, 2018  
JOB NO.: 2018-012  
SCALE: 1" = 200'

DRAWING NUMBER  
**1**  
I OF 1 SHEET  
EXHIBIT  
PREPARED FOR  
BVT-AMINS, LP  
LOCATED IN THE 1209 G.M.D.,  
BULLOCH COUNTY,  
CITY OF STATESBORO, GA

## Article 31: Solar Installation and Operation

### Section 3101 - Purpose

The purpose of this Ordinance is to facilitate the siting, construction, installation, operation, maintenance, and decommissioning of solar energy systems (SES's) in the City of Statesboro.

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.

### Section 3102 - Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

1. *Ordinance* means this solar ordinance.
2. *Permit* means any permit required by federal, state, or local law or regulation, including this Ordinance.
3. *Solar Energy System (SES)* means a device or structural design feature that provides for the collection, storage, and distribution of solar energy for electricity generation. For the purpose of this Ordinance, SES refers only to (1) photovoltaic SES's 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.
4. *Building-Integrated Solar Energy System* means 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, for example as a building façade, skylight, or shingles.
5. *Rooftop Solar Energy System* means an SES that is structurally mounted to the roof of a house, building, or other structure.
6. *Ground Mounted Solar Energy System* means 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.

7. *Small Scale Ground Mounted Solar Energy System (Small Scale SES)* means a Ground Mounted SES that occupies less than 3 acres.
8. *Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES)* means a Ground Mounted SES that occupies between 3 and 15 acres.
9. *Large Scale Ground Mounted Solar Energy System (Large Scale SES)* means a Ground Mounted SES that occupies more than 15 acres.
10. *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.
11. *Zoning Authority* means the applicable city land use decision-making body as determined by local ordinance and appeal procedures.
12. *Solar Energy Easement* means an easement on the height or location, or both, of structures or vegetation, or both, for the purpose of providing access to sunlight.
13. *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.
14. *Solar Farm* means a large-scale solar energy system. These facilities are typically larger tracts of land containing hundreds of arrays of photovoltaic panels covering the majority of a parcel.
15. *Solar Garden* means a small-scale solar energy system that is sometimes operated under the form of a cooperative. These facilities generally contain a smaller amount of arrays for the purpose of sharing the benefit of energy production.

### **Section 3103 - Application of Ordinance**

The application of this Ordinance shall apply to all SES within the City of Statesboro. Any SES that prior to the effective date of this Ordinance , 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 Ordinance, unless:

1. The Acreage of Land occupied by the SES is increased by more than **1** acre.
2. More than 10% of the solar panels on the SES are replaced.

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 Statesboro Zoning Ordinance.

## **Section 3104 - Requirements Applicable to Solar Energy Systems**

### **Subsection I: Levels of Solar Energy Systems**

1. *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.
2. *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.

### **Subsection II: Types of Solar Energy Systems**

1. 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.
2. 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
  - a. Small Scale SES – occupies less than 3 acres
  - b. Intermediate Scale SES – occupies 3 to 15 acres
  - c. Large Scale SES – occupies more than 15 acres

### **Subsection III: Methods of Collection**

1. *Solar Photovoltaic (PV) Systems* – A collection system that produces electricity by the use of photovoltaic cells which generate electricity when exposed to sunlight. A PV system may be roof-mounted or ground-mounted. These are generally comprised of:
  - a. Solar Cell
  - b. Solar Module

- c. 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:
  - a. **Flat Plate Collection**- System that collects solar radiation to heat a liquid which will in turn be used to heat water or enclosed area.
  - b. **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:
  - a. **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.
  - b. **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.
  - c. **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.

**Subsection IV: Permissible Zoning District**

- 1. With exceptions as outlined in this subsection, an SES shall adhere to the following chart:

	Residential	Commercial Retail	Light Industrial	High Occupancy Commercial	Commercial Business	Office
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	SUP
Intermediate Scale	SUP	SAP	SAP	SAP	SAP	SUP
Large Scale	SUP	SUP	SUP	SUP	SUP	SUP
A. Allowed Use. The SES is allowed in this district.						
N. Not Allowed in District						
SAP: Special Administrative Permit Required						
SUP: Special Use Permit Required. If the Applicant first obtains a Special Use Permit in accordance with this Article V of this Ordinance, the SES is allowed in this district.						

Table 1 - SES Type Allowance By Zoning District

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

Minimum Lot in Acres	Zoning District			
	Residential (Low-Density)	Residential (Medium Density)	Residential (High Density)	Commercial Business
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 2 - Minimum Acreage by Zone (R-CBD)

Minimum Lot in Acres	Zoning District			
	Commercial	Light Industrial	High-Occupancy 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

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

3. PUD Districts will adhere to all regulations set forward by the superseding building code, tree ordinance, and height requirements set forth by the City of Statesboro. Setbacks must adhere to assigning setbacks based on developmental plan, city staff/council request and proposed acreage.

**Subsection V: 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.

**Subsection VI: 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 of Statesboro. A Rooftop SES must meet the adopted International & 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.

#### **Subsection VII: 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 Ordinance 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:
  - a. Be limited to the minimum reasonably necessary for its safe operation.
  - b. Be directed downward where reasonably feasible.
  - c. Incorporate full cut-off fixtures.
  - d. 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 Authority.
8. *Decommissioning.* If a Ground Mounted SES has reached the end of its reasonable life or it is abandoned, then
  - a. 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; and
  - b. An Intermediate or Large Scale SES shall be decommissioned in accordance with decommissioning plan in the Permit Application (see Article V, Section 1.E)

#### **Subsection VIII: Specific Requirements for Small Scale Solar Energy Systems**

1. A Small Scale SES is an allowed use for primary or accessory use
2. Submission of site plans showing location, mounting plan, and manufacturer's specifications.

#### **Subsection IX: Specific Requirements for Intermediate Scale Solar Energy Systems**

1. *Permitted Use.* An Intermediate Scale SES is a permitted primary or accessory use in any Residential Zoning district if the Applicant obtains a Special Use Permit from the Zoning Authority. 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 Authority.
2. *Setbacks.* An Intermediate Scale SES shall comply with the following setback requirements:
  - a. 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
  - b. 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, and
  - c. The Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit.
3. *Signage.* An Intermediate Scale SES:



- a. 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;
  - b. May have signs that contain educational information about the Intermediate Scale SES as per the National Electrical Code; and
  - c. 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 ISES 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 ISES shall be installed by a licensed electrician and a certified electrician shall inspect electrical connections prior to operation, and the appropriate public utility shall inspect any operating connection to the grid.

#### **Subsection X: Specific Requirements for Large Scale Solar Energy Systems**

1. *Permitted Use.* A LSES is a permitted primary or accessory use in any zoning district if the applicant obtains a Special Use Permit from the Zoning Authority.
2. *Setbacks.* An LSES shall comply with the following setback requirements.
  - a. The LSES 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
  - b. The LSES 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
  - c. The LSES shall be located no closer than 100 feet from any residential dwelling unit.
3. *Signage.* A Large Scale SES
  - a. Shall have warning signs (a) displaying the dangers associated with the LSES, (b) identifying the owner or operator of the LSES and (c) providing a 24 hour emergency contact number;
  - b. May have signs that contain educational information about the LSES; and
  - c. Shall not have signs used for displaying any advertisement except for reasonable identification of the manufacturer or operator of the LSES.
4. *Electrical Connections.* If the LSES 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 LSES shall be installed by a licensed electrician, a certified electrician shall inspect electrical connections prior to operation, and the appropriate public utility shall inspect any operating connection to the grid.

## **Section 3106 - Plans & Permits**

### **Subsection I: Permit Application**

An application for a Special Administrative Permit or a Special Use Permit shall be submitted to the Department of Planning & Development containing the following:

1. *Basic Information.* The applicant shall submit a document that lists 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.
2. *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 located 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.
3. *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 5 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 Urban Forest Beautification and Conservation Ordinance.
    - I. Total removed square footage converted to 35% for the bank fund.
    - II. Tree removal cost must adhere to standard amount for removal as described in preceding ordinance.
4. *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 underlying zoning ordinance, unless otherwise expressly stated in this ordinance;

- b. Before operation, a fire safety and evacuation plan will be filed with the appropriate fire code and emergency management officials, and will be available in workplace for reference and review by employees working on the premises;
  - c. General liability insurance will be maintained throughout the life of the SES project. If the underlying Zoning Ordinance 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 building inspector shall ensure the installed SES meets all applicable local and state codes.
5. *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 prior to 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.

### **Subsection II: Special Administrative Permit Review**

1. Upon receiving an application for an SES, the Zoning Authority shall review the permit application within (30) days and either approve or deny the Applicant.
2. A Special Administrative Permit application may be approved only if the Zoning Authority determines that the SES complies with all applicable federal, state, and local laws and regulations, including the provisions of this Ordinance.
3. The applicant's appeal rights are consistent with those rights expressed in the underlying Zoning Ordinance.

### **Subsection III: Special Use Permit**

1. Upon receiving an application for an SES, the Zoning Authority shall:
  - a. Provide public notice of the proposed project in accordance with the notice requirements in the underlying Zoning Ordinance
  - b. Schedule and hold a public hearing in accordance with the hearing requirements in the underlying zoning ordinance
  - c. Issue a determination within (10) days of the public hearing on the permit based on the application and public comments.
2. A Special Use Permit application may be approved only if the Zoning Authority determines that the SES complies with all applicable federal, state, and local laws and regulations, including the provisions of this Ordinance.
3. The applicant's appeal rights are consistent with those rights expressed in the underlying Zoning Ordinance.

### **Section 3107 - Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction, to be unconstitutional or in conflict with any code or regulation governing this subject matter shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

First Reading:

Second Reading:

MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

---

By: Jonathan M. McCollar, Mayor

---

Attest: Sue Starling, City Clerk