



# City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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

## AN 15-07-01 Burkhalter Road and Pretoria-Rushing Road ANNEXATION REQUEST

**LOCATION:** Burkhalter Road, Pretoria-Rushing Road, and S&S Railroad Bed Road

**REQUEST:** Annexation by the 100% method and zoning change from R40 (Single-Family Residential – Bulloch County) to R40 Single-Family Residential – City of Statesboro)

**APPLICANT:** Southbridge Community Church

**OWNER(S):** Southbridge Community Church

**LAND AREA:** 10 acres

**PARCEL TAX MAP #s:** 107 000014 009

**COUNCIL DISTRICT:** 5 (Chance) – (Projected)



### PROPOSAL:

The applicant is requesting annexation of the subject property by the 100% method into the City of Statesboro. The subject property is an undeveloped 10 acre site located at the intersection of Burkhalter Road, Pretoria-Rushing Road and S&S Railroad Bed Road and is non-contiguous to the existing municipal limits. (See **Exhibit A – Location Map**) The applicant has immediate plans to develop the property into a roughly 16,000 square foot church to include a parking lot, landscaping, sidewalk and other amenities. The applicant is also requesting rezoning of the subject property from R40 (Single-Family Residential – Bulloch County) to R40 (Single-Family Residential – City of Statesboro) for utilization of the property as a church.

### SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
<b>NORTH:</b>	R40 & PUD (Single Family Residential & Planned Unit Development – Bulloch County)	Undeveloped
<b>SOUTH:</b>	R25 & AG5 (Single Family Residential & Agricultural and Residential– Bulloch County)	Single Family Homes and Undeveloped
<b>EAST:</b>	NC, R4 & AG5 (Neighborhood Commercial Single Family Residential & Agricultural and Residential – Bulloch County)	Single Family Homes, Commercial and Undeveloped
<b>WEST</b>	R40 (Single Family Residential – Bulloch County)	Undeveloped

The subject parcel's property lines are surrounded by property zoned for single family, agricultural and residential, planned unit residential development and neighborhood commercial uses pursuant to Bulloch County zoning regulations. Actual uses range from single family homes to undeveloped. The abutting property to the west is currently

undeveloped and the subject property abuts the S&S Greenway Trail to the northeast. Properties to the east, south and northwest contain single-family residential units and the Pretoria Recycling Center. The aforementioned properties will remain in Bulloch County.

**History:** This property was approved for a conditional use permit to be utilized as a church by the Bulloch County Board of Commissioners in November 2014.

#### **COMPREHENSIVE PLAN:**

The subject site lies adjacent to the “Proposed Annexation” area as identified by the City of Statesboro 2014 Future Development Map.

The subject site lies within the “Developing” character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro 2014 Comprehensive Plan*. The “Developing” character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.
- Whenever possible, connect to the existing and proposed network of bicycle paths and multi-use trails, such as the nearby S&S Greenway Trail.
- Create neighborhood focal points by locating schools, community centers or well-designed small scale commercial activity centers at suitable locations, within walking distance of residences.
- There should be strong connectivity and continuity between each subdivision.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and the addition of bicycle and pedestrian facilities.

*Statesboro Comprehensive Plan, Community Agenda pages 20-21.*

These implementation strategies are also reflected in the 2009 Quality Community Objectives section of the comprehensive plan.

Furthermore, the issues and opportunities element of the Plan recognizes that “the city has the opportunity to provide a different [housing] product than that which is typically offered in the county or in new subdivisions, thus minimizing the perceived competition between the City and County for new single-family development.” Page 62.

The 2014 update to the Statesboro Master Comprehensive Master Plan suggests the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space.
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the adopted 2009 plan that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.

- We will encourage more compact urban development.
- We will coordinate public facilities and services with land use planning to promote more compact urban development and work collaboratively with Bulloch County to promote long term coordinated growth and service delivery.
- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage patterns of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- We will encourage and accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Plan Update Policy recommendations include the following:
  - We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities.
  - We will actively monitor and prepare for population growth based on national, state, and local trends.

### **INTERGOVERNMENTAL ISSUES:**

Bulloch County – Capital Cost Recovery District area requirements.

Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Exhibit D -Intergovernmental Agreement) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:

1. Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently requested at R10) unless those densities are planned and located near planned commercial services or nodes.
2. Requires that the City and County participate in at least one joint planning meeting for the property.
3. Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
4. Dedication of determined right of way.
5. Intra development street designs that discourages through traffic.
6. Stormwater Management
7. Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interfaces with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing, and may be required to pave portions.
8. This property is located within the Statesboro five (5) mile Fire District and is served by City fire services.

### **TRANSPORTATION:**

The subject property currently takes access from S&S Railroad Bed Road. The City of Statesboro is currently engaged in a transportation study. Findings and recommendations would be incorporated into permitting. Initial review of ingress/egress has received preliminary approval of City and County staff.

Finally, O.C.G.A 36-36-7(c) indicates that a municipality annexing land assumes ownership and control of a County road right-of-way only where it annexes on both sides of the road – unless agreed otherwise by both jurisdictions. However, the CCR Agreement indicates municipal ownership would be assumed at time of annexation of a single adjacent property.

### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

The subject property does not currently have access to City of Statesboro utilities. City utilities extend only to current boundaries, which is separated by several large parcels of property. A request for City of Statesboro utility services has been received with this application. Recommendations are presented in a companion report.

A joint City/County Planning Meeting was held with the applicant on July 30, 2015. Given that this application is for a property that is non-contiguous to the City's current boundary, a resolution in support of the annexation would be required from the Bulloch County Commissioners, per the Georgia annexation statute.

### **ENVIRONMENTAL:**

The subject property appears to be located outside wetlands areas. No negative impact is expected by this request. Any potential issues will be addressed during standard permitting processes and reviews.

#### **ANALYSIS:**

The applicant is requesting to annex a 10 acre non-contiguous undeveloped site lying on Railroad Bed Road and abutting the S&S Greenway Trail. Section 2207 of the Statesboro Zoning Ordinance states that new areas being annexed into the City shall be considered to be in the R40 (Single Family Residential) district unless otherwise classified; thus, the applicant is requesting to zone the subject property R40 (Single Family Residential) to develop a church.

Ultimately, the request to annex the subject property as well as consideration of the proposed R40 (Single Family Residential) zoning designation should be considered in light of the vision and community policies articulated within the City's two (2) primary land use policies: The Statesboro Comprehensive Plan and The 2035 Bulloch County/City of Statesboro Long Range Transportation Plan. Both documents provide information that indicates that the applicant's request to annex and zone the subject property at Burkhalter Road, Pretoria-Rushing Road, and S&S Railroad Bed Road is consistent with the vision and land use policies adopted by the City of Statesboro given that this area is a proposed annexation area located in the developing character area which encourages master planned development with strong connectivity between subdivisions. However, non-contiguous annexations provide difficulties in service delivery and infrastructure maintenance given the "hopscotch" effect between City and County responsibilities.

Assuming approval of this annexation, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; and City boundary maps.

#### **SECTION 2007 FACTORS:**

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 and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

1. Existing uses and zoning or (of) property nearby;
  - a. Nearby property is zoned for primarily residential and are neighborhood commercial—Bulloch County—use.
  - b. Other nearby properties (located within the County) are zoned and utilized as single family neighborhoods.
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.
  - a. The subject site is located within the area of long anticipated residential growth and development for the City.
  - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
  - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
  - d. The number of undeveloped residential lots—particularly for single family—is limited within the City.
  - e. The proposed use for this property is tax exempt, but would require City services, providing a tax burden on the City tax payer.
  - f. This property is not adjacent to the municipal boundary causing difficulties and confusion in service deliver and infrastructure maintenance.
5. The suitability of the subject property for the zoned purposes.
  - a. There is no indication that the subject property is not suitable for the requested zoning.
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. The subject property is undeveloped and is located within the area most anticipated for residential growth near the City limits.

- b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar or complimentary fashions in the near future.
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;
  - a. Development of the proposed property as requested would not increase population density, community facilities, and property values in adjacent areas. An impact on traffic would be felt at peak service times.
  - b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
  - c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for development.
  - d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.
8. Consistency with other governmental land use, transportation, and development plans for the community.
  - a. This request is consistent with the City of Statesboro Comprehensive Plan and the Future Land Development Maps for Bulloch County and the City of Statesboro.
  - b. This request should be evaluated for consistency with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County.
  - c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

#### **STAFF RECOMMENDATION:**

Should the approval of the requested annexation be granted with R40 (Single Family Residential) zoning designation requested by AN 15-07-01, staff would suggest application of the following conditions:

1. Reservation, dedication, and/or development of public rights of way at least 20' or easements will be required by the developer including fee simple right of ways along S&S Railroad Bed Road, Burkhalter Road and Pretoria-Rushing Road to provide for future widening of the aforementioned roads.
2. Dedication of necessary easements and right of ways for utilities.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning may include crosswalks and traffic claiming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
7. Two percent (2%) of the property acreage (approximately .281 acres) shall be reserved for open green space reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association.
8. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
9. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
10. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.



## EXHIBIT A: LOCATION MAP





**EXHIBIT B: PHOTOS OF THE SUBJECT SITE**



**Figure 1: Subject Site Facing Southwest on Burkhalter Road**



**Figure 2: Subject Site Facing Northwest toward S&S Greenway Trail**

**EXHIBIT C: PHOTOS OF SURROUNDING PROPERTIES**



**Figure 3: Surrounding Property East of Subject Site**



**Figure 4: Pretoria-Rushing Recycling Center Southeast of Subject Site**





**Figure 5: Burkhalter Road Adjacent to Pretoria-Rushing Recycling Center Facing East of Subject Site**



**Figure 6: Subdivision R25 (Single-Family Residential Bulloch County) South of Subject Site**



**EXHIBIT D: PHOTOS OF SURROUNDING ROADS**



**Figure 7: Rushing Road Facing North of Subject Site**



**Figure 8: Burkhalter and Pretoria-Rushing Road Facing South of Subject Site**



**EXHIBIT E: PHOTOS OF S&S GREENWAY TRAIL**



**Figure 9: S&S Greenway Trail North of Subject Site**



**Figure 10: S&S Greenway Trail Entrance on Pretoria-Rushing Road and S&S Railroad Bed Road**





**Figure 11: S&S Greenway Trail Entrance on Pretoria-Rushing Road and S&S Railroad Bed Road Facing Subject Property to the South**

# EXHIBIT F: APPLICANT PLAT AND CONCEPTUAL PLAN FOR SUBJECT SITE

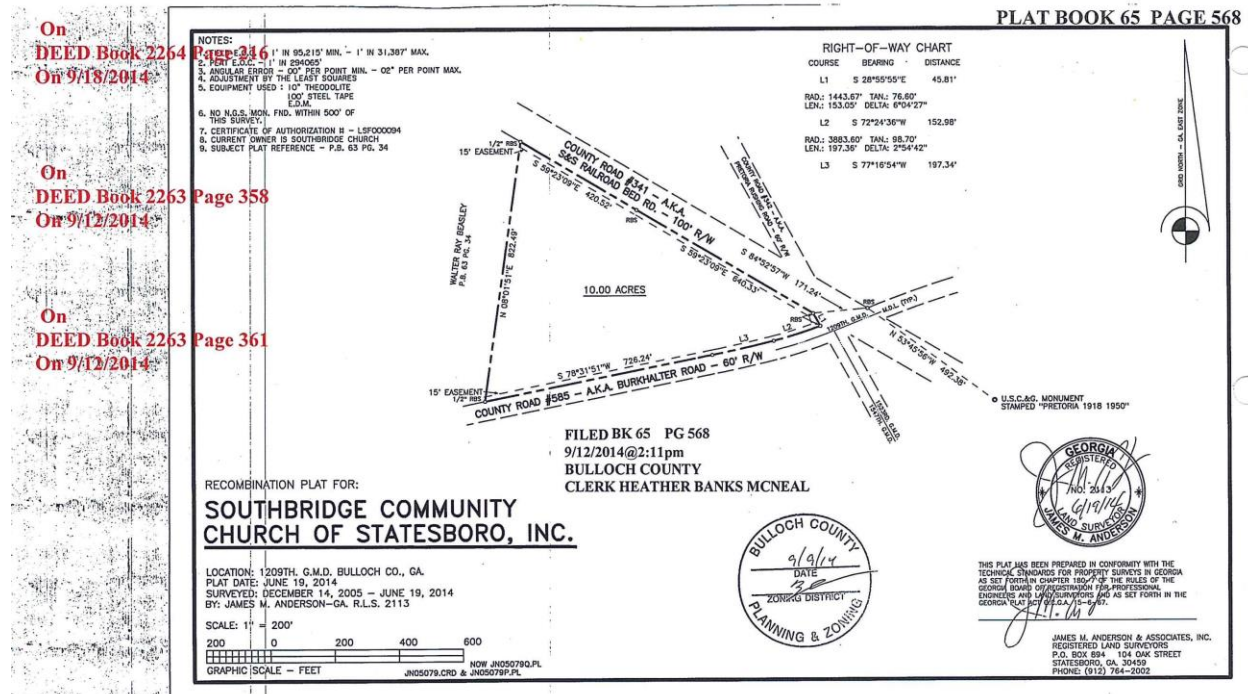
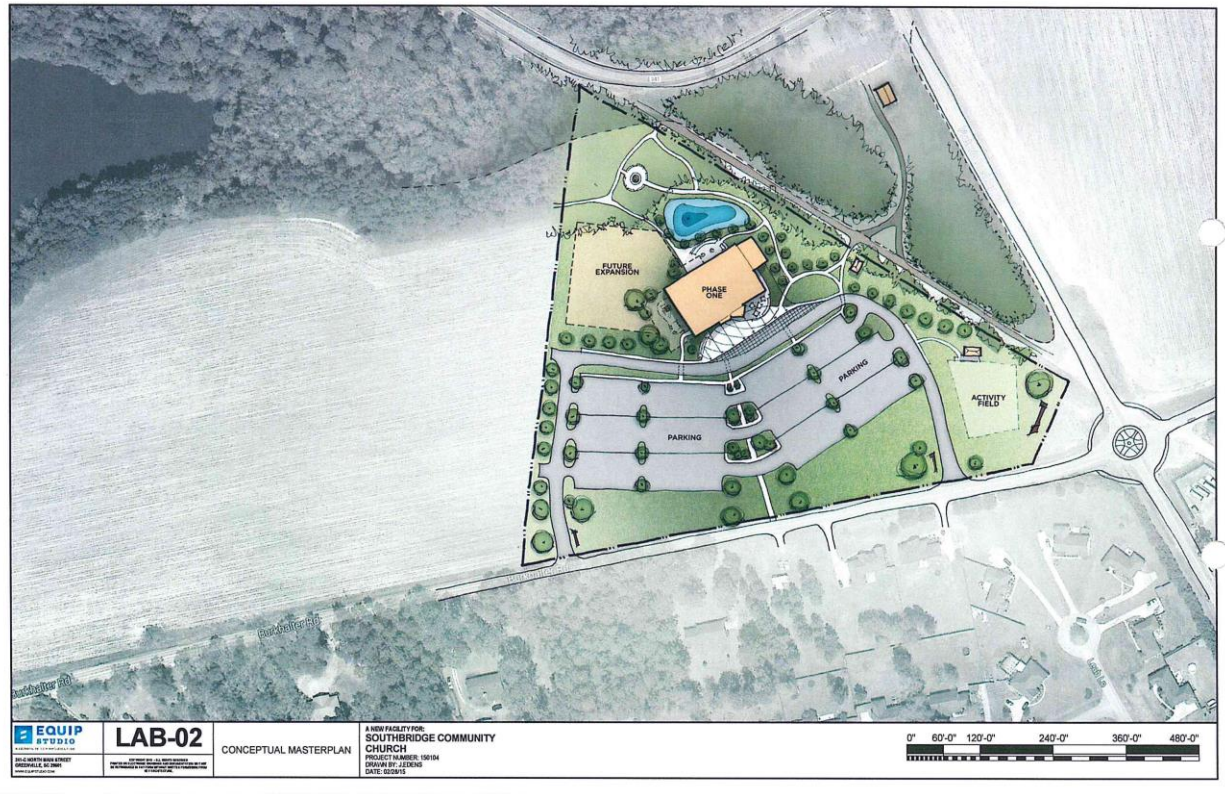


Figure 12: Subject Site Plat



**Figure 13: Conceptual Plan**





Case No.  
AN-15-07-01

## ANNEXATION APPLICATION (100% METHOD)

APPLICANT INFORMATION	Applicant <u>Southbridge Community Church</u>
	Mailing Address <u>110 S. Zetterower Ave</u>
	City <u>Statesboro</u> State <u>GA</u> Zip <u>30460-30458</u>
	Telephone <u>(912) 243-4031</u> Fax <u>( )</u>
PROPERTY OWNERSHIP	Property Owner(s) <u>Southbridge Community Church</u>
	Mailing Address _____
	City _____ State _____ Zip _____
	Telephone <u>( )</u> Fax <u>( )</u>
CONTACT PERSON	Contact Person <u>Joseph Shuford</u>
	Mailing Address <u>Same</u>
	City _____ State _____ Zip _____
	Telephone <u>( )</u> Fax <u>( )</u>
<p><i>(All staff correspondence will be sent only to one designated contact person.)</i>  <i>(Address and telephone numbers do not have to be repeated if provided above.)</i></p>	
REQUEST	Location Address: <u>North 10 acres located at intersection of Buckhalter &amp; Patricia Rushing</u>
	Present Zoning <u>R-40</u> Proposed Zoning _____
	Proposed Use of the Property (attach additional sheets if necessary): <u>Church</u>
	<u>Currently have conditional use permit from County</u>

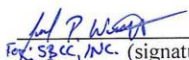
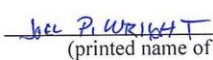
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Planning & Development Dept

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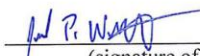
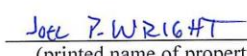
Received

<b>FILING REQUIREMENTS</b>	<i>This application will not be processed unless the following items are submitted with it.</i>
	<input type="checkbox"/> Filing fee (Varies. No fee for annexations seeking default R-40 zoning. All other annexations fees based on the applicable zoning map amendment fee. Make check payable to the City of Statesboro, Planning Department.) <input type="checkbox"/> Eight copies of a recordable plat(s) of the property proposed for annexation. <input type="checkbox"/> Signed and notarized Disclosure of Campaign Contributions. <input type="checkbox"/> Application <i>must</i> be signed by property owner(s) and signatures must be original. Additional copies of this page may be attached if necessary for additional property owners.

*I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Statesboro Zoning Ordinance as well as all procedures and policies of the City of Statesboro Planning Commission as those provisions, procedures and policies relate to the handling and disposition of this application. I attest that the information contained in this application is true and accurate to the best of my/our knowledge.*

 \_\_\_\_\_  \_\_\_\_\_  
 Joe P. Wright, Inc. (signature of applicant) (printed name of applicant) (date)

**We, the undersigned, all of the owners of all real property of the territory described herein, respectfully request that the Statesboro City Council annex this territory to the City of Statesboro, Georgia, and to extend the city boundaries to include the same. The territory to be annexed is unincorporated and contiguous (as described in OCGA Sect. 36-36-20) to the existing corporate limits of Statesboro, Georgia, and the description of such territory is attached and made a part of this application.**

 \_\_\_\_\_  \_\_\_\_\_  
 (signature of property owner) (printed name of property owner) (date)

 \_\_\_\_\_  \_\_\_\_\_  
 (signature of property owner) (printed name of property owner) (date)

\_\_\_\_\_  
 (signature of property owner) (printed name of property owner) (date)

\_\_\_\_\_  
 (signature of property owner) (printed name of property owner) (date)

City of Statesboro  
 Planning Department  
 50 E. Main St., 3<sup>rd</sup> Floor  
 P. O. Box 348  
 Statesboro, GA 30459-0348  
 Telephone (912) 764-5468  
 Fax (912) 764-4691



ATTACHMENT B: BULLOCH COUNT-CITY OF STATESBORO CAPITAL COST RECOVERY AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST  
RECOVERY FEE DISTRICTS

This intergovernmental agreement is entered into this \_\_\_\_ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and



WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.

6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.

7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.

8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.

9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.

10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.

11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.

12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include



proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of



access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF  
BULLOCH COUNTY, GEORGIA

By: J. Garrett Nevil  
J. Garrett Nevil, Chairman

Attest: Evelyn H. Wilson  
Evelyn H. Wilson, Clerk

MAYOR AND COUNCIL OF THE CITY  
OF STATESBORO, GEORGIA

By: William S. Hatcher  
William S. Hatcher, Mayor

Attest: Judy M. McCorkle  
Judy M. McCorkle, Clerk

# **Article XXX: Design Standards: Downtown Incentive District**

## Section 3000. Declaration of legislative intent.

It is hereby declared to be the intent of this article to establish design and development standards for the Downtown Incentive District, herein after called the “District.” The purpose of this Article 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.

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 single family residences, medium density residential developments, and an assortment of residences turned boutique commercial uses.

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 in light of 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.

The purpose of this Article is to establish requirements for building and site design for new developments and for the significant modification of existing developments within the District. This Article is intended to protect the existing character of the downtown and encourage orderly development in accordance with the comprehensive plan for the City of Statesboro and the Downtown Statesboro Master Plan.

The following principles serve as the foundation for the Article:

- (a) Efficient use of land and services.
- (b) A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
- (c) Provide for community gathering places and pedestrian/visitor amenities.
- (d) 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.
- (e) Provide transitions to adjacent neighborhoods and commercial areas.
- (f) Maintain and enhance the area’s character through design standards.
- (g) Protect the character of existing residential neighborhoods within the District; and
- (h) Promote compatibility between residential and nonresidential adjacent and nearby uses.

### Section 3001. Boundaries.

The boundaries of the District shall be approved by the Statesboro City Council and incorporated into the Official Zoning Map for the City of Statesboro. A copy of the Downtown Incentive District boundaries is attached hereto and incorporated herein by reference.

### Section 3002. Use Regulations.

- A. 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.
- B. 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 Article.
- C. This Article shall not apply to routine maintenance, and repair of a structure or site. However; changes to exterior colors shall comply with this article.
- D. Outdoor storage or equipment, materials, or inventory is not permitted except during construction.
- E. Chain link and barbed wire fences are prohibited within the District.

### Section 3003. Historic Buildings or Property.

- A. A Historic District is a geographically definable area, which possesses a significant concentration, continuity or linkage of buildings, sites, structures or objects aesthetically united by plan, physical development or past events. Districts may also include geographically separated individual elements linked by history or association. A Historic District will further mean an area designated by the City Council of the City of Statesboro pursuant to the criteria set forth in Section 3003 of this Article.
- B. "Building" may be used to refer to a historically and functionally related unit, such as a courthouse, jail, house or barn. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered, and its significant features must be identified. If a building has lost any of its basic structural elements, it is usually considered a "ruin" and is categorized as a site.
- C. A Historic Property is a structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof.
- D. Historic Buildings, Historic Properties and Historic Districts are deemed worthy of preservation by reason of their value to the City of Statesboro, Bulloch County, the State of Georgia, or the region for one or more of the following reasons as determined by the Statesboro City Council:
  - a. It is an outstanding example of a structure representative of its era;



- b. It is one of the few remaining examples of a past architectural style;
- c. It is a place or structure associated with an event or person of historic or cultural significance to the City of Statesboro, Bulloch County, State of Georgia, or the region;
- d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the City of Statesboro, Bulloch County, the State of Georgia or the region;
- e. It is within an existing historic district or is listed with the National Registry of Historic Places; or
- f. It is more than fifty (50) years old.

New additions, exterior alterations, or related new construction on historic buildings or historic properties shall not destroy the historic character of the property or the historic materials associated with the property. Any new work shall be compatible with the massing, size, scale, and architectural features to protect the historical integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Historic Buildings, Historic Properties and buildings and properties determined eligible for national registry shall not be demolished without a finding of necessity by the Statesboro City Council, with the exception of non-historic, non-contributing buildings or properties within the geographical confines of a historic district. The finding of necessity is based on a finding of major structural damage in which the walls, floors, roof, windows or structural elements are damaged 35% or more.

#### Section 3004. Height Regulations.

- A. The maximum height of buildings or other structures erected or enlarged in the district shall be four stories, not to exceed 48 feet.
  - a. Exceptions to Height Regulations. Not included in maximum height: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not intended or used for human occupancy.

#### Section 3005. Regulation of Murals.

- A. A mural is a sign containing a non-commercial 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, logs, 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 shall be allowed and limited to maximum of two square feet in size.

B. Murals shall comply with the following standards:

1. Murals shall not contain text, graphics or symbols that promote or advertise a service, product or business or promote a political party or candidate.
2. No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted or affixed.
3. No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted or affixed.
4. Murals shall not comprise more than 25 percent of the façade of a building.
5. The mural must comply with O.C.G.A. § 16-12-80 and O.C.G.A. § 36-60-3.
6. The mural must not advertise any activity deemed illegal under the laws of Georgia or the United States.
7. The mural's theme should respect the greater context of the community.
8. The mural's colors and design shall respect these Design Standards and the requirements thereof.
9. Murals may be placed on commercial walls, structures, or fences. They may not be placed inside windows.
10. Murals are restricted to commercial zones.

C. The following forms of Murals are prohibited:

1. Murals that contain elements that change, move, rotate or otherwise create a changing message or image.
2. Murals that use flashing, scrolling or internal lights.
3. Murals that contain electrical or mechanical components.
4. Murals are prohibited in residential zoning districts.

Section 3006. Building Orientation.

- (a) Buildings shall have their primary 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.

- (b) 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.

#### Section 3007. Storefront Design.

- A. Storefront Design. All commercial buildings shall contribute toward the storefront character and visual relationships of buildings existing in the district. The following architectural features should be used along the street frontage building elevations, as applicable.
  - (a) Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
  - (b) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor.
  - (c) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves, when the building is designed with a pitched roof.
  - (d) Cornices or changes in material can be used to differentiate the ground floor 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.

#### Section 3008. Building and Roofing Materials.

- A. Building Materials. Building materials shall be similar to the materials used on the existing buildings in the Downtown Business District. 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, and color and texture shall be utilized to ensure that adequate similarity exists for the building to be considered compatible.
  - (b) Highly reflective materials such as reflective glass shall not be permitted.
  - (c) Clear glass windows shall be used for commercial storefront display windows.
  - (d) Buildings shall be consistently detailed on all sides. Windows and doors shall 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 shall not be permitted as a finished exterior. Metal siding and vinyl siding (except as accent materials) are 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 shall 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.
- B. Flat roofs shall incorporate finished parapet walls with three (3) dimension cornice treatments designed to conceal the roof and roof mounted mechanical equipment.

#### Section 3009. Building Color and Re-roofing.

- A. Recommended color shades shall draw from the range of color shades of structures that already exist in the District.
- B. All wood structures and wood trim shall remain painted.
- C. Paint colors are to be chosen to blend and complement the overall scheme of the buildings that lie on the street. Contemporary colors and single colors are to be avoided. The selection of the paint palette should correspond to the architecture of the building.
- D. 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.
- E. Use one main trim color with an option of a secondary accent color to define the details.
- F. Color must be chosen from the designated scheme set forth above or from those colors included in the historic collection of commonly recognized paint lines.

#### Section 3010. Sidewalks and Pedestrian Areas.

- A. Sidewalks and pedestrian areas shall be provided along the public right of way for each property.
- B. Sidewalks shall be a minimum of 5' wide.
- C. Sidewalks shall use decorative paving that is consistent with the designs adopted by the City of Statesboro.
- D. Where adequate right of way exists, sidewalks and decorative paving shall be extended to create additional space for street crossings, gatherings, or clustering of street furniture.
- E. Clearly defined, safe, pedestrian access shall be provided from parking areas and adjacent public sidewalks to building entrances.

- F. Continuous internal pedestrian walkways shall be provided from the public sidewalk or right of way to the main customer entrance of all principal buildings.

#### Section 3011. Street Furniture and Lighting.

- a. 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
- b. Exterior lighting shall 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.
- c. Lighting standards shall meet those required by the Safe By Design Program of the City of Statesboro and must include parking areas.

#### Section 3012. Landscaping.

- A. All properties shall adhere to the provisions of the City of Statesboro's Urban Forest Beautification and Conservation Ordinance. Tree canopy placement within the District shall be as follows:
  - a. Locate street trees along edges of sidewalks, maintain a clearly defined pedestrian travel zone;
  - b. Locate street trees in larger planting areas, such as buffer strips adjacent to parking lots;
  - c. Locate trees within parking areas;
  - d. Install new trees where walkway widths permit; and/or
  - e. Replace trees that are diseased or have passed their life cycle.
- B. Street buffer yards. In addition to the landscaping and buffering requirements, parking lots shall be buffered from streets and rights of way by a landscaped strip or planter with a minimum width of five (5') feet between the parking lot and the public space. An administrative variance may be issued in cases of hardship.
- C. Parking areas must be landscaped.
- D. Foundation landscaping along fifty (50) percent of the building length is required for each building on the property.
- E. In order to protect significant trees within the District, the following shall apply to any tree on the property that is greater than 20 inches in diameter (which shall be known as a historic tree) and to any tree that is greater than 30 inches in diameter that is located within any required setback or buffer area, which shall be known as a historic tree:

- a. A heritage tree which is removed shall be replaced with a minimum of two four-inch caliper shade trees.
  - b. A historic tree which is removed shall 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 shall not count toward required tree points under Chapter 86.
  - d. No construction, grading, equipment, or material storage, or any other activity shall be 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 shall not be cut, removed, pushed over, killed, harmed, trimmed, sprayed, or destroyed without written approval of the City of Statesboro.
- F. Landscaped areas, including buffer and screening areas, shall be maintained in good condition and kept free of dead plants, weeds, or debris.
  - G. All planting areas shall be protected from vehicle damage by the installation of curbing or other methods approved by the administrator. Alternative barrier designs which provide improved infiltration, storage or stormwater are strongly encouraged.
  - H. The plant materials used in and around parking lots and adjacent to street rights of way and pedestrian ways shall be designed to assure visibility at intersections and safety of pedestrians. Therefore, shrubs shall not exceed two (2) feet in height at maturity, and trees are to be pruned to at least six (6) feet above ground.
  - I. All planting areas shall be stabilized with ground covers, mulches, or other approved materials to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable.
  - J. Grassed areas shall be finished with sod.
  - K. In order to provide additional safety measures to the site through environmental design clear visibility shall be maintained from the building to the street, parking areas, pedestrian walkways, and passing vehicles.

#### Section 3013. Buffering and Screening Requirements.

- A. 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 shall be the same as the setback requirement in the applicable zoning district and all screening materials shall 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 shall be required in addition to any other landscaping requirement listed in this section.
- B. 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 six (6) feet.
- b. Masonry walls measuring at least six (6) feet in height, but no more than eight (8) feet in height. Natural and painted concrete block walls are not permitted.
- c. A solid wood fence measuring at least six (6) feet in height, but not more than eight (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. Vinyl fences at least six (6) feet in height but no more than eight (8) feet are permitted.
- e. With the approval of the Zoning Administrator, a developer may use any combination of the screening materials that meet the intent of this Article.

#### Section 3014. Off Street Parking.

- A. Off street parking shall be provided in conformance with Article XVI and shall be curbed and guttered along the right of way.
- B. For new development projects or if more than ten (10) spaces are provided in a renovation, then no more than 25% of off street parking may be provided in the front of the building. The remaining shall be to the side or rear of buildings.
- C. Shared parking is encouraged and applied pursuant to Article VXI.
- D. Where a parking lot abuts a public sidewalk, a landscaped strip, or planter with a minimum width of five (5) feet utilizing a combination of trees, shrubs, and flowers shall be provided.
- E. Parking lots containing forty (40) or more spaces shall be divided into discrete areas not exceeding thirty (30) parking spaces. An internal path or sidewalk located within landscaped areas between, and connecting the parking pods is required where there are more than three pods or the configuration of the pods makes it difficult for pedestrian to access the buildings.
- F. Existing front parking lots may be utilized but will be required to provide landscape buffer and sidewalk.

#### Section 3015. Signage.

- A. All property within the District shall be subject to the regulations for Sign District 3 within Article XV of this Ordinance.
- B. No electronic message boards shall be within the district.
- C. Signs within the District shall lose their nonconforming status if they are out of service for twelve (12) months or more.
- D. The color palette for the District applies to signage in the District.

- E. Projection signs from buildings may be allowed at no more than one (1) square foot of sign area for each linear foot of building footage on that façade.

Section 3016. Mechanical, Electrical, Utility, and Sanitation Equipment.

- a. 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 of Statesboro specifications for such.
- b. Mechanical equipment and service areas shall be designed and located to minimize visual impact.
- c. Utilities shall be buried within rights of way or easements as approved by the City of Statesboro.

Section 3017. Variances.

- A. Variances from this Article shall proceed under Article XVIII except for landscaping issues, which shall proceed as variances from Chapter 86 of Statesboro City ordinances.