

Statham Zoning Ordinance

Including Ordinance Amendments through 7/01/07 and
The City of Statham Sign Ordinance shown as Appendix A

**Technical Assistance provided by the
Northeast Georgia Regional Development Center**

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Article 1: General Provisions

Chapter 1.01: General

1.01.001 Purpose

1.01.002 Short Title

This ordinance shall be known and may be cited as "The Zoning Ordinance for Statham, Georgia".

1.01.003 Objectives

The purpose of this ordinance is to set forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of Statham; to protect health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing Statham into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this ordinance.

1.01.004 Legislative Authority

The Mayor and Council of Statham, Georgia under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter 66, Title 36 of the Official Code of Georgia Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the city and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and avoid overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements, ordains and enacts into law the Zoning Ordinance for Statham.

1.01.005 Method of Regulation

The Mayor and Council of Statham, Georgia, as authorized by the Constitution of the State of Georgia, adopts zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

1.01.006 Jurisdiction

This zoning ordinance shall govern the use of all land and development within the city limits of Statham, Georgia and in accordance with *O.C.G.A.* §36-70-5.

1.01.007

Zoning Map

The boundaries of the Zoning Districts are hereby established as shown on the map entitled "The Official Zoning Map of Statham, Georgia". Said map is hereby made a part of this Ordinance and shall be available for public inspection in the office of the City Clerk. As evidence of its authenticity, the Official Zoning Map shall be signed by the Statham Mayor and attested to by the City Clerk. Let the map be spread upon the Minutes of the July 16, 2002 meeting of City Council.

1.01.008

Rules for Determining Boundaries

The following rules apply where uncertainty exists with respect to the boundaries of any of the zoning districts shown on the Official Zoning Map.

A. Unless otherwise indicated, the Zoning District boundaries are indicated as approximately following property lines, land lot lines, centerlines of streets, highways, alleys or railroads, centerlines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

B. Where Zoning District boundaries are approximately parallel to or extend to the centerlines of streets, highways, railroads, including their rights-of-way, or the centerlines of streams, reservoirs, or other bodies of water, Zoning District boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, dimensions shall be determined by the scale shown on the Official Zoning Map.

C. Where a public road, street or alley is officially abandoned, the ordinances applicable to the parcel to which it reverts shall apply.

D. In case the exact location of a boundary cannot be determined by the foregoing methods, the Mayor and Council shall, upon application, determine the location of the boundary.

Chapter 1.02: Words Defined

1.02.001

Defining Words

Words used in the Zoning Ordinance have their normal dictionary meaning unless they are otherwise defined.

1.02.002

Use of General Terms

1.02.003

Use of "Shall" and "May"

A. "Shall" means mandatory.

The word "shall" means that the directives or requirements are mandatory and may not be waived or modified. If used within the text, "will," and "must," also mean "shall."

B. "May" means permissive.

The word "may" means that the directives or requirements are permissive and are imposed at the option of the decision-maker. "Can" and "should" also mean "may."

1.02.004

Use of "And" and "Or"

A. "And" means that each item identified shall be required.

B. "Or" means any combination of one or more of the identified items may be required.

1.02.005

Definition Sources for Words Not Defined Within the Zoning Ordinance

Terms not defined in any cited sources shall have the meaning as established in the current edition of the Webster's Unabridged Dictionary, published by Merriam-Webster, Inc.

Chapter 1.03: Definitions

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "tract," "plot" or "parcel". The word "building" includes "structure". The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied". The word "used" shall be deemed also to include "designed", "intended", or "arranged to be used". The term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved". The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "map" means the "Official Zoning Map of Statham, Georgia, July 16, 2002, and as may be amended."

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section.

1.03.001

Accessory Building

A subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. The accessory building shall be of a size and nature customarily incidental and subordinate to the principal building. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot.

1.03.002

Accessory Use

A use on the same lot with, and of a nature customarily incidental and subordinate, to the principal use.

1.03.003

Agriculture or Agricultural

A parcel used primarily for soil-dependent cultivation of agricultural crop production, the raising of livestock or poultry, pasture, or forestry.

1.03.004

Alley

A service way providing a secondary means of access to abutting properties.

1.03.005

Alteration

Any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or moving of a building from one location to another, or any increase in the amount or volume of space used for any activity.

1.03.006

Animal Units

The number of all such animals or fowl allowed on a lot shall be limited to the square footage of the animal or fowl confinement area, less the lot square footage devoted to yard setbacks and the house, divided by the total minimum area required per animal or fowl. Total minimum area required per animal or fowl shall be as follows: horses - 43,560 square feet (one (1) acre), cattle - 43,560 square feet, sheep or goat - 20,000 square feet, fowl - twenty (20) per 43,560 square feet, or other livestock (including rattites) – 43,560 square feet. (Area requirements are based on minimum acreage averages for grazing such animals in the State of Georgia.) Total minimum area required per animal or fowl shall be a yearly average. Fluctuations in herd or flock size associated with general farming practices shall be permissible under this provision.

1.03.007

Antique Shop

Any premises used for the sale or trading of article of which 80 percent or more are over 50 years old or have collectible value. Antique shop does not include “secondhand store.”

1.03.008

Apartment

A suite of 2 or more rooms and a bath which is designed or intended for occupancy by 1 family or 1 person doing their cooking therein. For zoning purposes, an apartment is regarded as a dwelling unit. A structure containing 2 apartments is a duplex. A structure containing 3 or more apartments is a multi-family dwelling.

1.03.009

Applicant

Any person who applies for a zoning action and any attorney or other person representing or acting on behalf of a person who applies for a zoning action.

1.03.010

Art Gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This definition does not include libraries, museums, or non-commercial art galleries.

1.03.011

Assembly Hall

A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

1.03.012

Bank

A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

1.03.013

Barber Shop

Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

1.03.014**Beauty Salon**

Any commercial establishment or residence wherein cosmetology is offered or practiced on a regular basis for compensation.

1.03.015**Business Services**

A subcategory of commercial land use that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

1.03.016**Business Support Services**

Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipments and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

1.03.017**Bed And Breakfast**

A dwelling unit, other than a hotel, motel or boarding house, or portion thereof, where short-term lodging rooms and meals are provided for compensation to registered guests.

1.03.018**Block**

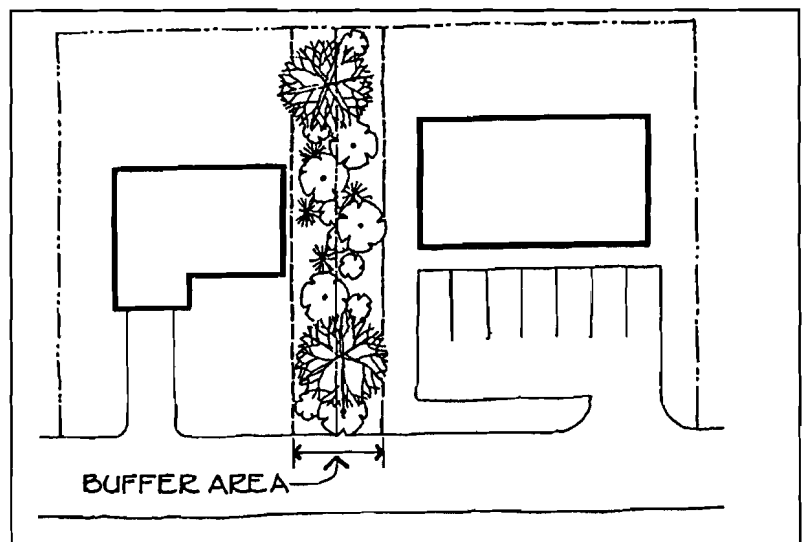
A piece or parcel of land entirely surrounded by public highways or streets, but excluding alleys.

1.03.019**Boarding House**

An establishment with lodging for five or more persons where meals are prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

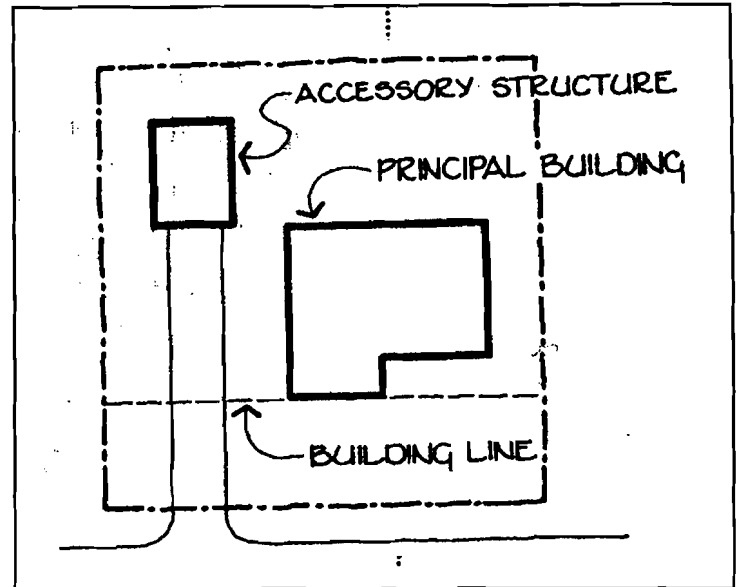
1.03.020**Buffer, Undisturbed**

A natural or enhanced vegetated area located adjacent to a reservoir or perennial stream within a water supply watershed.



1.03.021**Buffer Area**

A landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development. This area shall be in addition to any required area, yard, and height requirements for the zoning district as specified herein.

**1.03.022****Building**

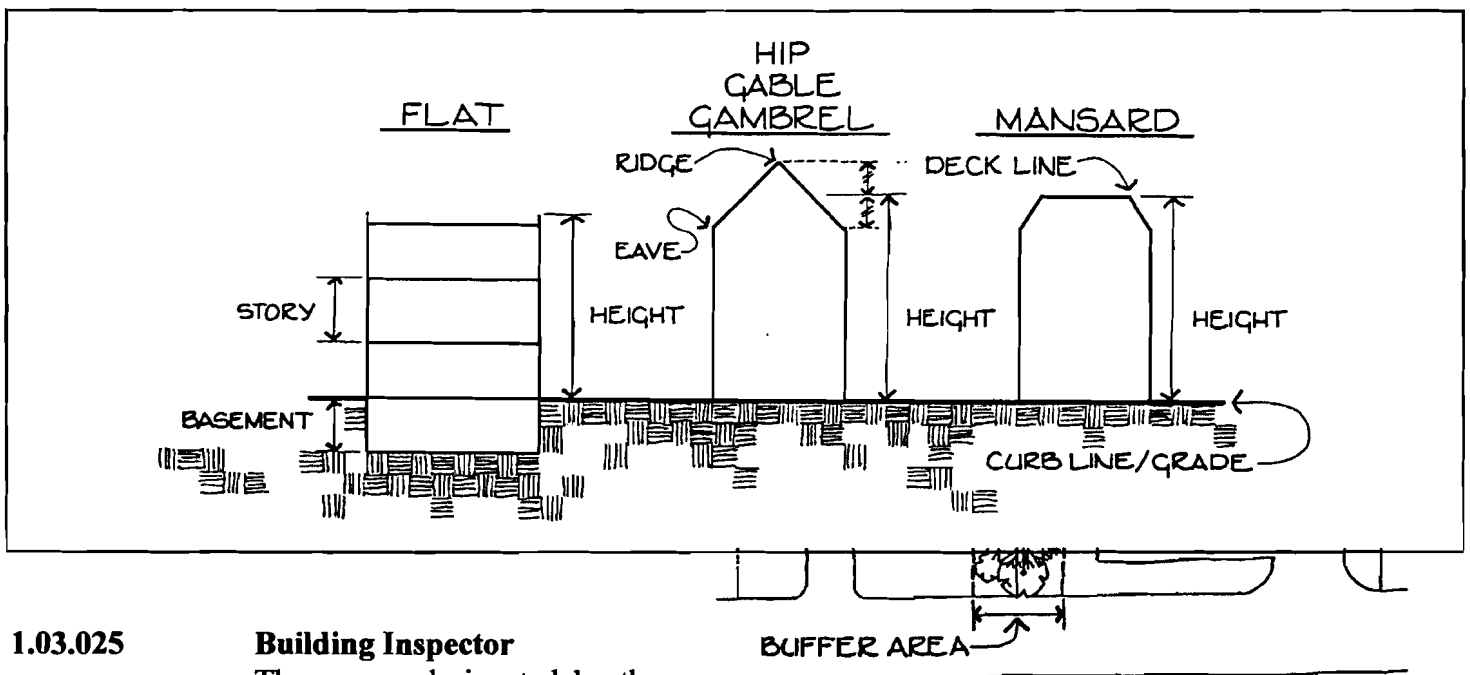
Any structure, either permanent or temporary, for the support or shelter of any use or occupancy.

1.03.023**Building Envelope**

The area formed by the front, side, and rear building setback lines of a lot within which the principal building must be located.

1.03.024**Building, Height of**

The vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the grade. Grade is defined as the average elevation of the ground on all sides of a building.

**1.03.025****Building Inspector**

The person designated by the Mayor and Council or by a

governmental entity with which the City has an intergovernmental agreement, to serve as Building Inspector in and for Statham.

1.03.026 Building Line

A line, parallel to the street row line, at any story level of a building and representing the minimum distance which all or any part of the building is set back from the row line.

1.03.027 Building, Principal

A building in which the primary use of the lot on which the building is located is conducted.

1.03.028 Business Entity

Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

1.03.029 Campaign Contribution

A contribution as defined in paragraph (6) of *O.C.G.A.* §21-5-3.

1.03.030 Catering Service

An establishment that serves and supplies food to be consumed off premises.

1.03.031 City

Statham, Georgia.

1.03.032 Reserved

1.03.033 Clinic

A building where human patients, who are not lodged overnight, are admitted for examination and treatment.

1.03.034 Club or Lodge

Buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is generally carried on as a business.

1.03.035 Commercial Use

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

1.03.036 Community Center

A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

1.03.037 Comprehensive Plan

The "Comprehensive Plan for Barrow County and the cities of Auburn, Bethlehem, Carl, Statham, and Winder, May, 1998 " as adopted and as may be amended.

1.03.038

Conditional Use

A use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the Mayor and Council.

1.03.039

Conditional Use Permit

The permit issued by the Mayor and Council as a precondition to allowing any conditional use in a zoning district.

1.03.040

Conservation Easement

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purpose of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational or open space use; protecting natural resources, or maintaining air or water quality.

1.03.041

Convenience Store

A small retail establishment that is designed and stocked to sell primarily prepackaged food items, but may have beverages, periodicals, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by "7-11," "Golden Pantry," and "Kangaroo." Gas pumps are an accessory use to a convenience store.

1.03.042

Convenience Store/Gas Station/Fast Food Restaurant

A parcel that contains a combination service station, convenience store, and fast food restaurant in one structure located on one parcel.

1.03.043

County

Barrow County, Georgia.

1.03.044

Craft Shop

Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

1.03.045

Daycare Center

Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia and licensed by the City of Statham as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

1.03.046

Daycare Home

A private dwelling operated by any person who receives pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, 3 but not more than 6 children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

- 1.03.047 Density**
The number of dwelling units permitted per net acre of land. (Net acre = gross acre less streets, easements, water, etc.).
- 1.03.048 Development of Single Development**
Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.
- 1.03.049 Development Permit**
This includes building permits, rezone applications, preliminary and final subdivision plat applications, conditional use permit applications, and variance applications.
- 1.03.050 Disability Glare**
The eye's line-of-sight contact with a direct light source, which causes a momentary partial blindness.
- 1.03.051 Drug Store**
An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.
- 1.03.052 Dry Cleaners**
A business that provides laundry cleaning, excluding self service, and contains on the premises, equipment necessary for laundry processing.
- 1.03.053 Dwelling, Single-family**
A structure including site-built, modular, or manufactured homes that contain 1 dwelling unit designed for residential use that is surrounded by open space on the same lot.
- 1.03.054 Dwelling, Two-family (Duplex)**
A structure containing 2 dwelling units designed and arranged for residential use by 2 families living independently of each other.
- 1.03.055 Dwelling Unit**
A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 1.03.056 Easement**
A grant of property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
- 1.03.057 Elderly Housing, Assisted Living**
Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.

1.03.058

Elderly Housing, Congregate Care Facility

A facility for long-term residence exclusively by persons 60 years of age or older, and which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.

1.03.059

Elderly Housing, Retirement Housing

A residential complex containing multifamily dwelling designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care. The focus of the complex is to attract elderly residents so as to provide a social support system among the residents.

1.03.060

Family

An individual; or two (2) or more persons related by blood or marriage, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than three (3) persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

1.03.061

Reserved

1.03.062

Floor Area

The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom for less than six (6) feet six (6) inches, unusable basement or cellar space not used for retailing, uncovered steps or fire escape, open porches, accessory water or cooling towers, accessory off-street parking spaces, or accessory off-street loading berths.

1.03.063

Frontage, Lot

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

1.03.064

Frontage Street

The street coincident to the front boundary line of the parcel.

1.03.065

Full Cut-off Type Fixture

A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

- 1.03.066 Garage, Private**
An accessory building or a portion of a principal building used for parking or storage of automobiles of the principal building's occupants. A carport is considered a private garage.
- 1.03.067 Garage, Repair**
A building and premises designed or used for the purpose of service or commercial repair of motor vehicles. All body work and painting shall be conducted within fully enclosed buildings. The storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business. The storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.
- 1.03.068 Generalized Wetland Map**
Wetlands identified on the U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Maps.
- 1.03.069 Greenhouse**
An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.
- 1.03.070 Gross Floor Area**
The total floor area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 1.03.071 Hazardous Material**
Any "contaminant" as defined in this ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.
- 1.03.072 Hazardous Waste**
Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency according to federal act, which are in force and effect on February 1, 1988, codified as 40 CFR §261.3.
- 1.03.073 Health Department**
Barrow County Health Department.
- 1.03.074 Home Occupation**
An occupation or profession conducted entirely within a dwelling unit or accessory building for financial gain, which is clearly subordinate to the principal use of the parcel and which does not change the character thereof.

1.03.075

Home Office

An office use conducted entirely within a dwelling unit which is carried on solely by the unit's occupant and is incidental and secondary to the principal use of the dwelling. The office may be for the purpose of service or tradeworkers who customarily work at various locations, or individuals who work at home. "Home Office" shall not include any business which involves the sale, manufacture or repair of merchandise on the premises. Home Office shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors.

1.03.076

Horizontal Illuminance

The measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a horizontal position.

1.03.077

Impervious Surface

A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, decks, swimming pools and patios.

1.03.078

Industrialized Building

A factory fabricated transportable building consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes. A modular home shall be certified by the manufacturer to meet the approval of the State Building Administration Board (SAAB) to meet the same requirements as an site-built home within Satham.

1.03.079

Institution

A non-profit corporation or a non-profit establishment.

1.03.080

Junk

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and old scrap ferrous or nonferrous metal, and other similar materials.

1.03.081

Junked Vehicle

Any wrecked, dismantled, or non-operating motorized vehicle which does not bear a current license plate.

1.03.082

Kennel

Any location where, for commercial purposes, 4 or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, breeding, training or sale.

1.03.083

Kindergarten

A school for pre-elementary school children ranging in age from 3 through 6 years, which provides preparation for elementary school.

1.03.084

Land-disturbing Activity

Any grading, scraping, excavating, or filling of land; clearing of vegetation; or any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.

1.03.085

Landscape Contractor

A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

1.03.086

Large Quantity Generator of Hazardous Waste

Any person, corporation, partnership, association or other legal entity defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to *O.C.G.A.* 12-8-60 et seq. and regulated by the State of Georgia under that section. To qualify as a large quantity generator, the legal entity must generate at least 2,200 pounds of hazardous waste per year.

1.03.087

Laundromat

A business that provides home-type washing, drying, ironing machines or coin operated dry cleaning machines for hire and use by customers on the premises.

1.03.088

Laundry And Dry Cleaning Pick-up

A business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing laundry.

1.03.089

Light Trespass

Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

1.03.090

Limited Development Area

The portion of the water supply watershed not included in the Water Quality Critical Area.

1.03.091

Loading Space

A space within the principal use or on the same lot that provides for standing, loading or unloading of trucks and other carriers.

1.03.092

Lot

A portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended for transfer of ownership or for building development and having a separate tax parcel reference.

1.03.093

Lot, Corner

A lot abutting 2 or more public streets or city maintained roads at their intersection.

1.03.094

Lot, Double Frontage or Through Lot

A lot with frontage on 2 public streets and/or city maintained roads that does not intersect at a point abutting the property.

1.03.095

Lot, Interior

A lot other than a corner lot.

1.03.096

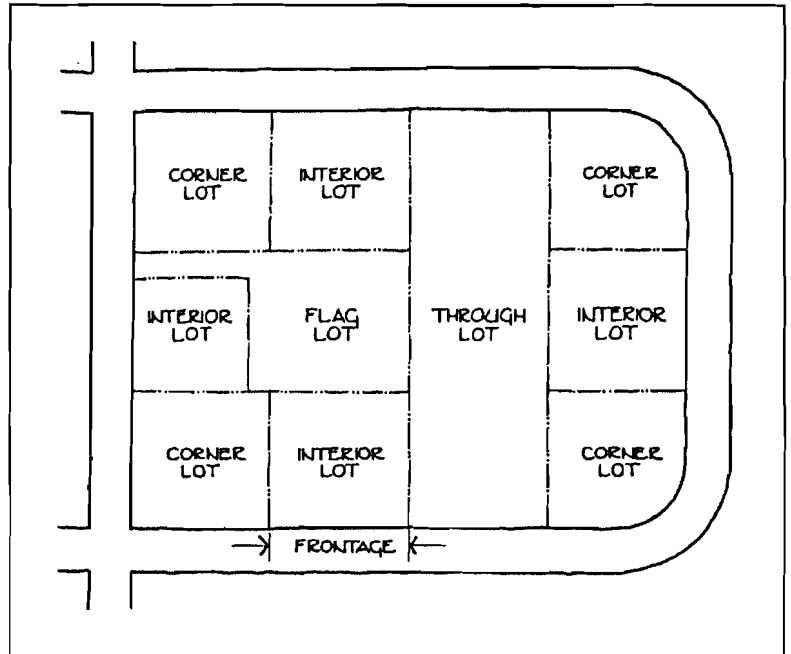
Lot Line, Rear

The rear lot line is generally opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, and lying wholly within the lot and farthest from the front lot line.

1.03.097

Lot of Record

A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the Clerk of the Superior Court of Barrow County.



1.03.098

Lot Width

The horizontal distance between one side lot line and the other side lot line measured at the minimum front setback line.

1.03.099

Manufactured Home, Class A

A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. §5401, et seq. The structure must meet or exceed the following standards:

- A. Minimum width in excess of sixteen (16) feet.
- B. Minimum square footage required by the zone in which located.
- C. The roof shall have a minimum roof pitch of 3:12 (measured as the ration of the roof's rise to its horizontal run) and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, or built up gravel materials. The roof overhang must be at least 1 foot when measured from the vertical side.
- D. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or vinyl lap.

E. Be attached to a permanent foundation, provided that for manufactured homes, load bearing masonry curtain walls shall not be required (although curtain walls may be required for aesthetic purposes), and non-load bearing curtain walls for manufactured homes shall not have contact with the manufactured home for the purpose of structural support, although non-load bearing curtain walls may be attached to the manufactured home for aesthetic purposes and not for structural support. See Georgia Rules and Regulations Section 120-3-7-14, and as may hereinafter be amended.

F. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted.

1.03.100**Manufactured Home, Class B**

A dwelling unit, meeting the definition of "manufactured home" contained in O.C.G.A. §8-2-160, fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it as constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. §5401 et seq., but which does not meet the criteria of a Class A manufactured home. The dwelling must be installed in accordance with O.C.G.A. §8-2-160 et seq., and the rules promulgated thereunder.

1.03.101**Mayor and Council**

Mayor and Council of Statham.

1.03.102**Reserved****1.03.103****Mini-Warehouse**

A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

1.03.104**Mobile Home**

A transportable, factory-built structure designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 15, 1976.

1.03.105**Modular Home**

See "Industrialized Building."

1.03.106**Motor Vehicle Body Shop**

Any building or portion thereof used for the repair or straightening of a motor vehicle body or frame.

1.03.107**Motor Vehicle, General Repair or Service**

A building or portion thereof used for the repair or replacement of engines, transmission, differentials, drive trains, or any parts thereof, in addition to the replacement of parts, service and incidentals repairs to motor vehicles.

1.03.108**Motor Vehicle, Limited Repair and Services**

The business of minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

1.03.109

Natural Vegetative Area

For the purposes of the Water Supply Watershed Overlay District only, a natural vegetative area is an undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.

Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting;

Education, scientific research and nature trails.

Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the pervious nature of the land shall be minimized.

Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the permissible uses.

1.03.110

Non-conforming Building or Structure

Any lawfully existing building or structure which does not conform to these ordinances governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of this ordinance but which was in full compliance with all applicable federal, state and local laws, rules and ordinances at the time all necessary permits were obtained, and for which all required federal, state and local permits have been issued.

1.03.111

Non-conforming Lot

A lot, the area, width, or other characteristics of which fails to comply with applicable ordinances and which was of-record and in full compliance with all applicable federal, state and local laws, rules and ordinances prior to the enactment of this or other ordinances, but which does not comply with the requirements of this ordinance.

1.03.112

Non-conforming Use

A lawful use of land that does not comply with the use ordinance for its zoning district but which complied with applicable ordinances at the time the use was established.

- 1.03.113 Off-street Parking**
An area exclusive of a public or private thoroughfare where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking.
- 1.03.114 Office Park**
A development that contains a number of separate office buildings, supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.
- 1.03.115 Office, Professional**
The office of a member of a recognized profession maintained for the conduct of a profession.
A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.
- 1.03.116 Open Space**
Land used for recreation, resource protection, amenity, or buffers. In no event must any area of a lot constituting the minimum lot area nor any part of an existing or future road, right-of-way, off-street parking, loading space, or area immediately underneath electrical transmission lines be counted as open space.
- 1.03.117 Opponent**
Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.
- 1.03.118 Oppose**
To appear before, discuss with, or contact, either orally or in writing, a Statham official and argue against a zoning action.
- 1.03.119 Overlay District**
A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.
- 1.03.120 Perennial Stream**
A stream that flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) 7-minute topographic series maps (scale of 1/24,000).
- 1.03.121 Permitted Use**
Any use by right which is specifically authorized in a particular zoning district.
- 1.03.122 Person**
An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

1.03.123

Personal Care Home

Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 2 or more adults who are not related by blood or marriage to the owner or administrator of the home. Personal services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

1.03.124

Planning Commission

The Barrow County Planning Commission.

1.03.125

Plat

A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon, suitable for recording with the Barrow County Superior Court.

1.03.126

Playschool

A school for pre-kindergarten children ranging in age from 3 to 4 years of age which operates for less than 4 hours per day.

1.03.127

Principal Use

The primary purpose for which land or a building is used.

1.03.128

Professional

When used in connection with "use" and "occupancy", a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building nor any use which would create any loud noise or noxious odors within Statham.

1.03.129

Property Interest

The direct ownership of real property, including any percentage of ownership less than total ownership.

1.03.130

Public Utility

An above-ground structure or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures located within a public right-of-way.

1.03.131

Real Property

Any tract or parcel of land and, if developed, any buildings or structures located on the land.

1.03.132

Recreation, Commercial

Any establishment whose main purpose it to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity.

1.03.133

Recreation, Community

A private recreational facility for use solely by the residents and guests of a particular residential development or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

1.03.134

Recreation, Private

A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

1.03.135

Recreation Facilities

Country clubs, riding stables, golf courses, and other private noncommercial recreation areas and facilities, or recreation centers, including private swimming pools.

1.03.136

Recreational Vehicle

A vehicle primarily designed for recreation, camping, travel or seasonal use which has its own motor power or is mounted on or towed by another vehicle. The basic types are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and custom van conversions.

1.03.137

Regulated Activity

Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in § 3.01.003D of this ordinance and exempted in Section 404 of the Federal Clean Water Act.

1.03.138

Religious Institution

A building, together with accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Includes churches, chapels, cathedrals, temples, and similar designations.

1.03.139

Reservoir Boundary

The edge of a reservoir, defined by its normal pool level.

1.03.140

Restaurant

An establishment where food and beverages are sold for consumption on the premises, generally in an enclosed building. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

1.03.141

Retail Sales, General Merchandise

Establishments which are retail operations that carry an assortment of merchandise from many retail categories. Such establishments may include, but are not limited to, department stores, discount stores, farm stores, and similar establishments.

1.03.142

Retail Sales, Household

Establishments which are retail operations that sell goods for furnishing or improving housing units. These establishments may include, but are not limited to, furniture stores, home improvement centers, electronic stores, appliance stores, and similar establishments.

1.03.143

Retail Sales, Specialty

Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

1.03.144

Retail Services Establishments

Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including hotels and motels, finance, real estate, insurance, personal service, amusement and recreation services, museums, galleries, and health, educational, and social services.

1.03.145

Right-of-way

That area, distinguished from an easement, which is owned in fee-simple by Statham or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities, sidewalks and other supporting uses and structures.

1.03.146

Right-of-way Line

The outside boundary of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by an official right-of-way map of Statham, Georgia.

1.03.147

School

A public or private facility that provides a curriculum of elementary and secondary academic instruction.

1.03.148

Screening

A method where a view of one site is shielded, concealed, or hidden from another site. Screening techniques include fences, walls, berms, densely planted vegetation, natural vegetation or other features. Screening must provide a visual and acoustical barrier which is of such nature and density that it provides year-round maximum shielding, concealment or hiding from the ground to a height of at least eight (8) feet or from view from the normal level of a first story window on an abutting lot.

- 1.03.149 Secondhand merchandise, retail sales**
Retail sales of previously used merchandise, such as clothing, household furnishings, appliances, sports/recreational equipment.
- 1.03.150 Self-storage Facility**
See "mini-warehouses."
- 1.03.151 Service Station**
Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.
- 1.03.152 Setback**
The minimum horizontal distance between the lot or property right-of-way line and the nearest front, side or rear line of the building, including terraces or any covered projections but excluding steps.

For purposes of Water Supply Watershed Overlay District only, the distance that defines the width of a protective buffer, measured from the boundary of the feature of the landscape (e.g., a wetland or stream bank) that the buffer is designed to protect.
- 1.03.153 Shopping Center**
A group of retail business and service uses on a single site planned and developed as a unit, with common off-street parking facilities.
- 1.03.154 Sign**
A device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others
- 1.03.155 Reserved**
- 1.03.156 Reserved**
- 1.03.157 Reserved**
- 1.03.158 Reserved**
- 1.03.159 Silviculture**
The art of producing, reproducing and growing a forest of distinctive stands of trees.
- 1.03.160 Site-built**
A building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.
- 1.03.161 Site-built home**

A dwelling unit constructed on the building site from basic materials delivered to the site, and constructed in accordance with the Standard Building Code of the Southern Building Code Congress International (SBCII). A site-built home must meet the following development standards:

- A. Minimum width in excess of twenty-eight (28) feet.
- B. The roof shall have a minimum 3:12 roof pitch which means having a pitch equal to at least three inches of vertical height for every twelve inches of horizontal run. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, slate, built up gravel materials or standing seam (non-corrugated tin or steel) or other materials approved by the Mayor and Council. The roof overhang must be at least one (1) square foot when measured from the vertical side.
- C. The exterior siding materials shall consist of wood, masonry, hardboard, stucco, masonite, or vinyl lap or other materials of like appearance.
- D. Be attached to a permanent foundation that meets all building code requirements.
- E. A landing must be installed at each outside doorway. The minimum size of the landing shall be at least four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.

1.03.162

Sketch

A rough drawing that identifies the layout of the development on the parcel.

1.03.163

Solid Fence

An artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

1.03.164

Solid Wall

A wall constructed in such a manner to prohibit viewing of land, materials, buildings, etc., located behind the wall, from an individual standing outside and parallel to the wall.

1.03.165

Special Events

Circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary activities generally associated with the property where the special event is to be located.

1.03.166

Storage Trailer

A trailer commonly attached to a cab or chassis for transportation (ex: trailer attached to 18-wheel cab for transporting goods).

1.03.167

Story

That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

1.03.168

Street

A public or private thoroughfare which affords the principal means of ingress and egress to abutting property. See §4.05 for street classifications.

1.03.169

Street, Public

A street that is titled by dedication, description, or deed and vested in Statham.

1.03.170

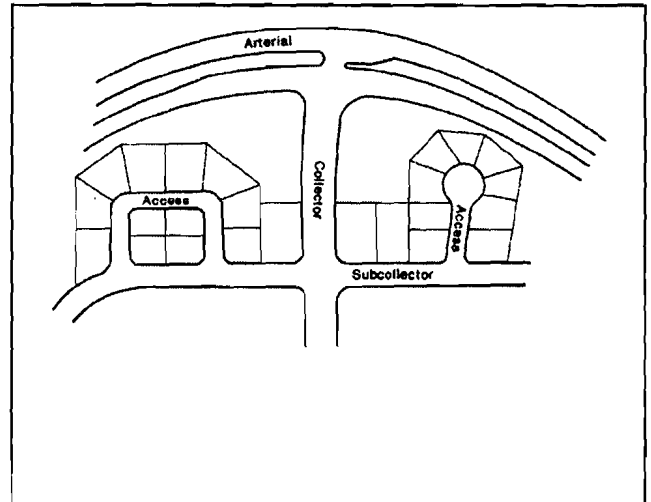
Street Line

The legal line between street right-of-way and abutting property.

1.03.171

Structure

Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site-built buildings, manufactured, mobile and modular homes, swimming pools, and signs.



1.03.172

Subdivision

The division of a tract, lot or parcel into 2 or more lots, building sites, or other divisions for the immediate or future purpose of sale, lease, offer or development. Also see Statham Subdivision Ordinance, as amended.

1.03.173

Subdivision Ordinance

Statham Subdivision Regulations dated August 21, 2001 and as may be amended.

1.03.174

Surface Mining

Any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

1.03.175

Swimming Pool

Any portable or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area and intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.

1.03.176

Tanning Studio

Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

1.03.177

Temporary Emergency Permit

A temporary permit that may be issued in certain circumstances specified in §3.01.003E.

1.03.178

Thrift Store

An establishment primarily engaged in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

1.03.179

Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

1.03.180

Tower

Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

1.03.181

Uplighting

Any light source that distributes illumination above a 90 degree horizontal plane.

1.03.182

Utility

Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and roadways.

1.03.183

Variance, Area

A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading ordinances as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of said property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make additional profit.

1.03.184

Veterinary Clinic

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

1.03.185

Water Quality Critical Area

The portion of the water supply watershed nearest the public water intake, where the most stringent land use limitations of this Ordinance apply.

1.03.186 Water Supply Watershed

The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

1.03.187 Wetland

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

1.03.188 Wetland, Function

The beneficial roles that wetlands serve, including: storage, conveyance and attenuation of floodwater and stormwater; protection of water quantity and quality and reduction of erosion; habit for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical and archeological value protection; and scenic, aesthetic and recreational amenities.

1.03.189 Wetland Delineation

The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

1.03.190 Wetland Protection District¹

Wetlands within Statham, which are indicated on the Generalized Wetland Map. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within Statham and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the land owner from federal or state permitting requirements.

1.03.191 Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the

¹The source wetlands map is the Fish and Wildlife Service National Wetlands Inventory maps. Statham should consider the limitations of available map resources used to compile the Generalized Wetland Map. To varying degrees, all maps contain systematic distortion and inaccuracy. Generally, inaccuracy grows larger with decreasing map scale. Commonly used wetland maps, such as the National Wetland Inventory (NWI) Maps, are drawn at a scale of 1:24,000. This means that 1 inch on the map represents 24,000 inches on the ground, or 2,000 feet (approximately two-fifths of a mile). Maps of this scale cannot define wetland boundaries in a legally defensible way. In addition, many small and isolated wetlands may not be shown on these maps. For these reasons, the Generalized Wetland Map adopted by Statham can only be regarded as a general reference document, which may serve a variety of functions, such as indicating the need for seeking advice or a wetland determination from the U.S. Army Corps of Engineers. A Generalized Wetland Map, at a scale of 1:24,000, cannot be used to delineate, in a legally defensible manner, the boundaries of jurisdictional wetlands. Formal delineation of wetlands that are protected by Section 404 of the Clean Water Act, is vested with the U.S. Army Corps of Engineers. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture is the lead agency for making wetland delineations on agricultural lands.

purpose of determining the width of a side yard, the depth of a front yard, on the depth of a rear yard, the minimum horizontal distance between a lot line and the main building shall be used.

1.03.192

Yard, Front

An open, unoccupied space on the same lot with the principal use, extending the full width of the lot and situated between the right-of-way line and the building line projected to the side lines of the lot. On corner lots, the front yard is considered parallel to the street upon which the lot has its largest dimension.

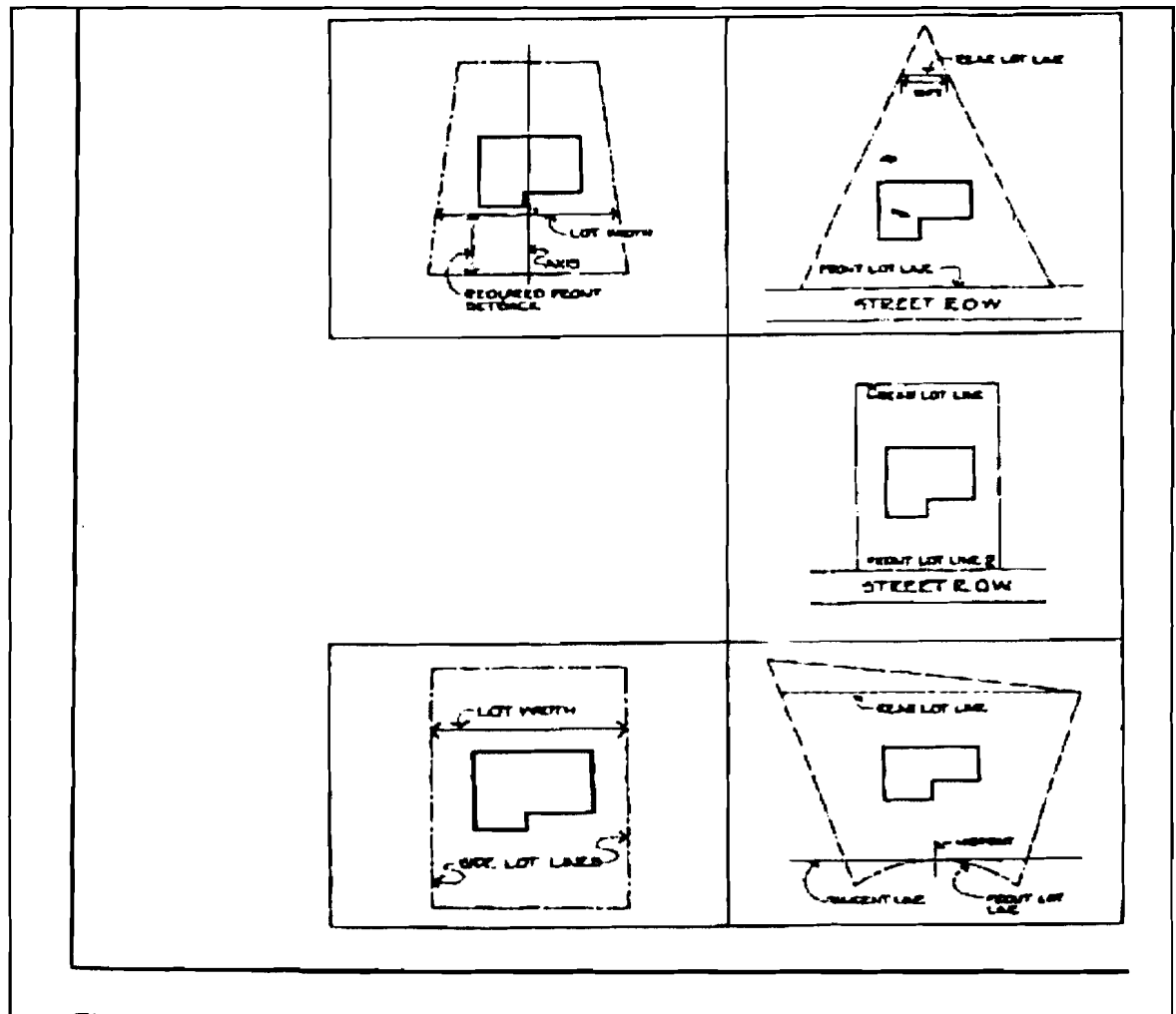


Figure 1.6 Yards and Setbacks

1.03.193

Yard, Rear

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

1.03.194

Yard, Side

A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

1.03.195

Zoning Action

A request for any action under the Zoning Ordinance, including, but not limited to, rezoning, variance, and conditional use permits.

1.03.196

Zoning Administrator

The individual(s) or his/her designated representative, who is vested with the duty of administering land use regulations within the area of Statham.

1.03.197

Zoning District

A Section of Statham, Ga. where the zoning ordinance is uniform.

Chapter 1.04: Application of Ordinance

1.04.001

Use

No building, structure, premises, or land shall be used or occupied and no building or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with this ordinance.

1.04.002

Building Height

No building or structure shall be erected, constructed or altered that exceeds the height limit for the Zoning District in which it is located.

1.04.003

Lot Area and Lot Size

Unless acquired for public use, no lot shall be reduced in size so that it does not comply with this ordinance.

1.04.004

Yards

No part of a yard or other open space required for one building shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections do not extend more than 2 feet into the yard area requirements.

1.04.005

Corner Lots

Minimum side yard requirements for corner lots shall not be less than the minimum front yard requirements for such lots.

1.04.006

Principal Buildings

In all Commercial zones, more than 1 principal building containing a permitted or conditional use may be erected on a single lot or tract of land provided that all yard and other space requirements of this Ordinance are met for each structure as though it were on an individual lot.

The owner must record a plat of the subdivision of the lot(s) with the Clerk of the Superior Court before a building permit can be issued where a parcel of land is under single ownership and 2 or more principal buildings are located on the parcel.

1.04.007**Minimum Distance Between Buildings**

The following minimum distances between buildings are required unless otherwise specified within this Ordinance.

A. The minimum distance between principal uses located on the same lot or parcel:

1. Front to Front Arrangement 40 ft.
2. Front to Rear Arrangement 50 ft.
3. Rear to Rear Arrangement 40 ft.
4. Side to Side Arrangement 10 ft.
5. All other combinations 30 ft.

B. There shall be a distance of not less than 20 feet between a principal and accessory building located on the same lot or parcel.

C. No accessory building shall be located closer than 20 feet to any lot line in any Zoning District.

1.04.008**Temporary Buildings**

Temporary buildings used in conjunction with construction work only may be permitted in any non-residential Zoning District and shall be removed within thirty (30) days of the issuance of a Certificate of Occupancy.

1.04.009**Building Envelope**

A minimum of 15% of the total parcel or lot shall remain undisturbed. All trees outside the building envelope shall be protected. The construction entrance must be the same location as the finished driveway. Underground utilities should be installed adjacent to the construction entrance. However, if it is impossible, no more than a 4 foot trenching entrance is permitted.

Areas beyond building envelopes should be restricted against development. Building envelope lines should not be drawn into wetlands, floodplains, or steep slopes (slopes in excess of 25%) and shall not include the tops of ridge lines.

Existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention.

A. Protection of Root System and Tree Protection Zones.

The root system of trees can easily extend 2 to 3 times beyond the dripline of the tree canopy. The root system within the dripline region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To protect these critical root zones the following standards shall apply:

1. The use of tree save islands and stands are encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate overall site organization as related to tree protection.

2. The protection zone of specimen trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree canopy. A specimen tree is defined as:
Any tree in fair or better condition which equals or exceeds the following diameter sizes:
 - a. Large hardwoods, i.e. oaks, hickories, yellow poplars, etc.: 30 inches DBH (diameter at breast height).
 - b. Large softwoods, e.g. pines, evergreens, etc.: 30 inches DBH.
 - c. Small trees, e.g. dogwoods, redbuds, sourwoods, etc.: 10 inches DBH.Any tree in fair or better condition should meet the following minimum standards:
 - a. A life expectancy of greater than 15 years.
 - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
 - c. No major insect or pathological problem.
3. Layout of the project site utility and grading plans should accommodate the required tree protection zones. Utilities must be placed outside tree protection zones.
4. Construction site activities such as parking, material storage, concrete washouts, burn pit placement, vehicle and equipment maintenance shall be located outside tree protection zones and arranged so as to prevent disturbances within tree protection zones.
5. No disturbance shall occur within the protection zone of specimen trees or stands of trees without prior approval of the Zoning Administrator.
6. To avoid soil compaction, vehicular traffic should not be permitted in the root or tree protection zone. If vehicular traffic must occur in the root zone, minimize soils compaction by applying a 4 - 12" layer of coarse mulch in the traffic area.
7. Active tree protection tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protection zones, prior to any land disturbance.
8. These fences will be a minimum of four (4) feet high constructed in post and rail configuration. A two (2) inch x four (4) inch post and a double one (1) inch x four (4) inch rail is recommended. Four (4) foot orange polyethylene laminar safety fencing is also acceptable. This fencing shall remain in place until the final inspection is issued on said project by the Building Inspector.
9. Passive forms of tree protection may be utilized to designate tree save areas which are remote from areas of land disturbance. These areas must be surrounded with continuous rope or flagging (heavy mil minimum four (4) inch wide). All passive tree protection must be accompanied by "keep out" signage.
10. All specimen trees or stands of trees, or otherwise designated tree protection zones must be protected from the construction processes that cause sedimentation, erosion, flooding, and other conditions resulting in tree damage.
 - a. Silt screening must be placed along the outer uphill edge of tree protection zones at the land disturbance interface.
 - b. Silt screening should be backed by twelve (12) gauge, two (2) inches x four (4) inch wire mesh fencing in areas of steep slope (a grade of 2:1 or greater).
 - c. All erosion control must comply with the Statham Soil Erosion and Sedimentation Control Ordinance.
11. All tree fencing and erosion control barriers must be installed prior to any land disturbance and maintained throughout the land disturbance process and the building construction. The fencing shall not be removed until landscaping is installed.

B. Shade Trees Planted by Developer.

As a requirement of subdivision approval, where the development is not naturally wooded, the applicant shall plant shade trees on the property within the subdivision. Trees are to be planted within five (5) feet of the right-of-way of the road or roads within and abutting the subdivision. One (1) tree shall be planted for every forty (40) feet of frontage along each road. New trees shall have a minimum trunk diameter (measured twelve (12) inches above the ground level) of not less than two (2) inches. Only long-lived shade trees shall be planted.

C. Maintenance of Planted Trees.

The developer shall be responsible for replacing any tree that dies within three years of the completion of the entire development or, if a phased development, within three years of the completion of the phase in which the now dead tree was planted.

1.04.010

Annexation

Once an annexation is effective, which occurs on the first day of the month following the month during which the annexation occurred, the property transfers from the jurisdiction of the county, losing whatever zoning the county provided, and becomes unzoned, provided that the city does not have the same zoning districts as the county. The City must zone the property in accordance with applicable provisions of O.C.G.A. §36-6-1 et seq.

To prohibit a landowner from applying for a building permit based on no zoning and creating a vested rights issue during the period that the property has no zoning, no zoning amendments, no application for or issuance of building permits, land disturbance permits or certificates of zoning compliance shall be accepted or issued until the city has zoned the property. The City must zone the property within sixty (60) days of the annexation.

Article 2: Base Use Regulations and Districts

Chapter 2.01: Division of City Into Districts

2.01.001 Establishment of Zoning Districts

For the purpose of this ordinance, Statham, Georgia is divided into zoning districts as follows:

- R-1 Single-family Residential District
- R-2 Two-Family Residential District
- R-3 Multi-family Residential District
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- C-3 Highway Commercial District
- O-I Office-Institution District
- MI Light Industrial District
- WSW Water Supply Watershed Protection District
- WET Wetlands Protection District

Chapter 2.02: Development Density

Only acreage devoted to usable land may be used to determine the development density or number of dwelling units permitted. Usable land is determined by subtracting all land with poorly drained or very poorly drained soils, as defined by the Natural Resources Conservation Service, land with slopes in excess of 25%, and land within the 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA), from the total tract area.

If the tract lies in more than one zoning district, "Lot Size" shall be computed based on a weighted average minimum lot size, considering the proportion of land.

For instance if the parcel contains 100 acres but only 80 acres are determined to be usable land, then in the R1 district where the minimum lot size is 30,000 square feet, the number of dwelling units permitted is 174. In actuality the number will be less once you provide for roads, easements, and any amenities.

Chapter 2.03: Area, Yard, and Height Requirements

2.03.001 Area, Yard, and Height Requirements

This section is established to show the minimum size, width, and maximum height requirements for the land uses within each designated Zoning District. Lot size shall be based on factors including the size of the building required for that use, required parking, and ground water flow. The Zoning Administrator is authorized to increase minimum lot sizes and otherwise vary Zoning District development standards to accommodate the need to use septic tanks and/or wells and Health Department regulations in this regard. The unavailability of public sewer and/or water shall preclude the ability to develop projects which cannot utilize septic tanks.

2.03.002 Minimum Lot Size, Set Backs, Height

Zoning District	Minimum Lot Size			Minimum Yard Requirements			Maximum Height of Building	
	Lot Area (sq. ft.)	Lot Size per Dwelling Unit	Lot Width (ft.)	Front setback from centerline of street (feet)		Minimum Side Yard		Minimum Rear Yard
				Arterial and Collector	All other streets			
R1	See 2.06.001	See 2.06.001	150	80	55	20	20	35
R1M	See 2.06.002	See 2.06.002	60	65	40	15	10	35
R2				65	40	15	10	35
one family	20000	20000	100					
two family	20000	10000	100					
R3	8 dwelling units per acres.			65	40	15	10	35
C-1	5000	5000	60	55	40	12 feet is required unless otherwise exempt, where zone does not abut a residential zone but 50 ft. undisturbed buffer is required is zone abuts a residential district	12 feet is required unless otherwise exempt, where zone does not abut a residential zone but 50 ft. undisturbed buffer is required is zone abuts a residential district	35
CH	5000	4000	60	55	40			35
C-2	5000	4000	60	55	40			35
O-I	—	—	75	55	40			35
MI	20,000	—	100	30	30	15	15	50

Chapter 2.04: Permitted and Conditional Uses

2.04.001 Permitted and Conditional Uses

The uses listed in the table below shall be permitted in Statham, unless otherwise allowed, and no structure shall be erected, structurally altered or enlarged unless the use is allowed as:

- A. A permitted use (P);
- B. A conditional use (C) subject to the application procedures specified in §5.02;
- C. An accessory use as specified in §4.11, or,
- D. Uses lawfully established prior to the effective date of this ordinance.

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Accessory Agricultural Buildings									
Accessory Commercial Buildings					P	P	P	P	P
Accessory Office Buildings					P	P	P	P	P
Accessory Convenience Retail Business					P	P	P	P	P
Accessory Residential Buildings	P	P	P	P					
Alternative Tower Structure	C	C	C	C	C	C	C	C	C
Amusement, Recreational and entertainment activities carried on wholly within a permanently enclosed building									P
Animal Hospital, Veterinarian Clinic					P	P	P		
Animals or fowl, meeting the definition of "Animal Units"									
Antenna, Amateur Radio	P	P	P	P	P	P	P	P	P
Antenna, Government owned					P	P	P	P	P
Antenna, Satellite TV	P	P	P	P	P	P	P	P	P
Antique Shop						P	P		
Apartment			P	P					
Appliance Store						P	P		

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Art Gallery						P	P		
Art Studio					P	P	P		
Assembly Hall				P	P	P	P		
Automobile Parts, Accessories						P	P		
Automobile Repair						P	P		
Automobile Service Station						P	P		
Automotive Repair and Paint Shops									P
Automobile Wash Service									P
Bank					P	P	P	P	
Barber Shop					P		P		
Beauty Salon					P		P		
Bed and Breakfast	C	C	C	C	P				
Book Binding									P
Building Supplies						P			P
Business Services						P	P		
Business Support Services						P	P		
Catering Service						P	P		
Cemetery, Religious Institution	C	C	C		P	P	P		
Clothing, Dry goods						P	P		
Club/Lodge (private)						P	P		
Coliseum									P
Contractors, General Building									C
Contractors, Heavy Construction									C
Contractors' storage and equipment yards									C
Convenience Store					P	P	P		

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Convenience Store/Gas Station/Fast food Restaurant						P	P		
Craft Shop					P		P		
Daycare, Home	P	P	P	P					
Daycare, Center			C	C	P		P		
Drive Inn Theater									P
Drug Store					P	P	P		
Dry Cleaning, Neighborhood					P		P		
Dwelling, Single-Family	P	P	P	P					
Dwelling, Two-Family			P	P					
Elderly Housing, Assisted Living				P		P	P		
Elderly housing, congregate care facility				P		P	P		
Elderly Housing, retirement housing				P					P
Electronic transformer station, gas regulator station and telephone exchange									P
Fair grounds and amusement parks									
Farm Equipment, sales, rental, repair						P			
Feed, Seed Store						P	P		
Flower Shop					P	P	P		
Funeral Home						P	P		
Furniture upholstery and repair									P
Garage, Private	P	P	P	P					
Gift, Specialty Shop						P	P		
Golf or baseball driving range									P
Golf, swimming, tennis or country clubs	P	P	P				P		
Golf Course – Miniature or Par 3									P

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Greenhouse						P	P		
Hardware, Paint Store						P	P		
Home appliance repair and related service									P
Home Occupation	P	P	P	P					
Home Office	P	P	P	P					
Industrialized Building	P	P	P	P					
Kennel					P	P	P		
Kindergarten	C	C	C	C	P	P	P		
Landscape Contractor							P		
Laundromat						P	P		
Laundry and Dry Cleaning, pick up						P	P		
Light Manufacturing and processing									
Manufactured Home, Class A	P	P	P	P					C
Medical, Dental Clinic					P	P	P		
Medical and Dental Laboratories									P
Mobile Home, as accessory for use for security purposes only									P
Motor Vehicle, General Repair						P	P		
Motor Vehicle, Body Shop						P	P		P
Office, Professional					P	P	P	P	
Office Park						P		P	
Outdoor Recreational Facilities, Commercial						P	P		
Personal Care Home				P	P				
Photo engraving, typesetting, electro-typing and stereo-typing									P
Place of Public Assembly	C	C	C	C	P	P	P		
Playschool			C	C	P	P	P		

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Point to point communication agencies									P
Produce Stand					P	P	P		
Public Park, Buildings, etc. owned and operated for public purposes	C	C	C	C	P	P	P		
Public Safety and Emergency Services	P	P	P	P	P	P	P	P	P
Public Uses									P
Publishing									P
Radio and television broadcasting stations									P
Radio, television and other communication transmission towers									P
Radio and television repair									P
Recreation, Commercial						P	P		
Recreation, Community	P	P	P	P			P		
Recreation, Private					P	P	P		
Recreation Facilities						P	P		
Recreation Center or Club, Private					P	P	P		
Religious Institution	C	C	C	C		P		P	
Recycling Station							P		P
Restaurant					P	P	P		
Restaurant, Drive-In									P
Retail Sales, Accessories and Services									P
Retail Sales, General Merchandise					P	P	P		
Retail Sales, Household						P	P		
Retail Sales, Specialty							P		
Re-upholstery, furniture and major appliance repair									P
Retail Sales, Service Establishment						P			

Type of Use									
	R1	R1M	R2	R3	C1	CH	C2	O-I	M1
Riding Stable, Commercial						P			
School K-12, Private	C	C	C	C	P	P	P		
Sewage Treatment Plant									P
Secondhand Store							P		
Shopping Center						P	P		
Signs	P	P	P	P	P	P	P	P	P
Site-built Home	P	P	P	P					
Special Event					P	P	P		
Stations and terminals for bus and rail passenger service									P
Swimming Pool	P	P	P	P	P	P	P		
Tanning Studio							P		
Telecommunications Tower									P
Temporary Building	C	C	C	C	C	C	C	C	C
Thrift Store							P		
Tire re-treading or re-capping									P
Utilities, Structures and Buildings, Public	P	P	P	P	P	P	P	P	P
Veterinary Clinic					P		P	C	
Warehouse, Mini						P			
Warehousing and storage (including mini-warehouses)									P
Wholesale sales office									P
Wholesale trade and distribution establishments									C

Chapter 2.05: Sidewalk and Landscape Requirements

2.05.001 Sidewalks shall be required in the following areas:

- A. all new commercial and industrial streets
- B. all new streets in residential subdivisions
- C. along the frontage of all new construction on a paved street

2.05.002 Landscape Requirements

- A. All lots in the R1 and R2 zoning classifications shall have sod installed in the front and sides yards of the lots.

2.05.003 Reserved

Chapter 2.06: Residential Districts

2.06.001 R1 - Single-Family Residential (Low Density)

A. Purpose and Intent

The R1 Single-Family Residential District is composed of low density single-family residential development land. The District is designed to encourage single-family development in a rural setting and certain uses allied to or customarily incidental to residential developments in a rural area.

B. Principal Use and Structures

Principal uses and structures shall be allowed in the R1 Single-Family Residential District in accordance with §2.04.001 of this ordinance.

C. Accessory Use and Structures

Accessory uses and structures shall be permitted in the R1 Single-Family Residential District in accordance with §4.12 of this ordinance.

D. Conditional Use

Conditional uses shall be permitted in the R1 Single-Family Residential District in accordance with §2.04.001 of this ordinance.

E. Minimum Development Requirements

1. Minimum lot area: 30,000 square feet per dwelling unit; provided however, whenever a dwelling has both water provided by a source other than a public water system and sewerage provided by a septic tank or cess pool, the lot must contain a minimum of 51,000 square feet per dwelling unit.
2. Minimum lot width at building setback line: 100 feet
3. Basic parking requirement: Two spaces per dwelling unit in an attached garage having a minimum size of 21 feet ten inches by 21 feet ten inches; paved driveway required for access.
4. Minimum floor area: 1,600 square feet.
5. Homes built on a slab foundation without a crawl space or basement shall have a faux foundation constructed of stone facing, rock or brick on the front and two sides to a minimum 18 inches in height. The faux foundation may be provided on the rear but is not required.

2.06.002**R1M Single-Family Residential District (Medium Density)****A. Purpose and Intent**

The R1M Single-Family Residential District is mainly comprised of medium density single-family subdivision development, including single-family dwellings, manufactured housing, and smaller dwelling units, where surrounding land uses are compatible with medium density development and such development would not have an adverse impact on the surrounding areas.

B. Principal Use and Structures

Principal uses and structures shall be allowed in the R1M Single-Family Residential District:

1. Antenna, Amateur Radio
2. Antenna, Satellite TV
3. Daycare, Home
4. Dwelling, Single Family
5. Garage, Private
6. Golf, swimming, tennis or country club
7. Home Occupation
8. Home Office
9. Industrialized Building
10. Manufactured Home, Class A
11. Public Safety and Emergency Services
12. Recreation Community
13. Signs
14. Site-Built Home
15. Swimming Pool
16. Utilities, Structures and Buildings

C. Accessory Use and Structures

Accessory uses and structures shall be permitted in the R1M Single-Family Residential District in accordance with §4.12 of this ordinance.

D. Conditional Use

The following conditional uses shall be permitted in the R1M Single-Family Residential District:

1. Alternative Tower Structure
2. Bed and Breakfast
3. Cemetery, Religious Institution
4. Kindergarten
5. Place of Public Assembly
6. Public Park, Buildings, etc. owned and operated for public purposes
7. Religious Institution
8. School, K-12, Private
9. Temporary Building

E. Minimum Development Requirements

1. Minimum lot area: 15,000 square feet (if public sewer available).
2. Minimum lot width at building setback line: 60 feet.
3. Basic parking requirement: Two spaces per dwelling unit in attached carport or garage; paved driveway required for access.
4. Minimum floor area: 1,600 square feet.

5. Maximum coverage by buildings: 35 percent.
6. Homes built on a slab foundation without a crawl space or basement shall have a faux foundation constructed of stone facing, rock or brick on the front and two sides to a minimum 18 inches in height. The faux foundation may be provided on the rear but is not required.

2.06.003

Residential

2.06.004

R2 Single- and Two-Family Residential District

A. Purpose and Intent

The R2 Single- and Two-Family Residential District is chiefly composed of high density subdivision development land of single or two-family dwellings (duplex) or zero lot line development. These areas of higher density development should, where possible, be located on community or public water and/or sewer systems and should be designed so as to ensure harmony within these areas.

B. Principal Use and Structures

Principal uses and structures shall be allowed in the R2 Single- and Two-Family Residential District:

1. Antenna, Amateur Radio
2. Antenna, Satellite TV
3. Apartment
4. Daycare, Home
5. Dwelling, Single-Family
6. Dwelling, Two-Family
7. Garage-Private
8. Golf, swimming, tennis or country clubs
9. Home occupation
10. Home Office
11. Industrialized Building
12. Manufactured Home, Class A
13. Public Safety and Emergency Services
14. Recreation, Community
15. Signs
16. Site-Built Home
17. Swimming Pool
18. Utilities, Structures and Buildings, Public

C. Accessory Use and Structures

Accessory Uses and Structures shall be permitted in the R2 Single and Two Family Residential District in accordance with §4.12 of this ordinance.

D. Conditional Use

The following conditional uses and structures shall be permitted in the R2 Single- and Two-Family Residential District:

1. Alternative Tower Structure
2. Bed and Breakfast
3. Cemetery, Religious Institution
4. Day Care Center
5. Kindergarten
6. Place of Public Assembly

7. Play School
8. Public Park, Buildings, etc. owned and operated for public purposes
9. Religious Institution
10. School, K-12, Private
11. Temporary Building

2.06.005

R3 - Multi-Family Residential District

A. Purpose and Intent

The R3 Multi-Family Residential District is composed primarily of high density residential development of multi-family dwellings. Developments in this district should be located on public water and sewer facilities, but exemptions may be made for developments using private community facilities where approved by the Health Department.

B. Principal Use and Structures

Principal uses and structures shall be allowed in the R3 Multi-Family Residential District:

1. Antenna, Amateur Radio
2. Antenna, Satellite TV
3. Apartment
4. Assembly Hall
5. Daycare, Home
6. Dwelling, Single Family
7. Dwelling, Two-Family
8. Elderly Housing, Assisted Living
9. Elderly Housing, congregate care facility
10. Elderly Housing, retirement housing

C. Accessory Use and Structures

Accessory uses and structures shall be permitted in the R3 Multi-Family Residential District in accordance with §4.12 of this ordinance.

D. Conditional Use

Conditional uses shall be permitted in the R3 Multi-Family Residential District:

1. Alternative Tower Structure
2. Bed and Breakfast
3. Day Care Center
4. Kindergarten
5. Place of Public Assembly
6. Play School
7. Public Park, Buildings, etc. owned and operated for public purposes
8. Religious Institution
9. School, K-12, Private
10. Temporary Building

2.06.006

Reserved

2.06.007

Reserved

Chapter 2.07: Commercial Districts

2.07.001

C-1 Neighborhood Commercial

A. Purpose and Intent

The C-1 Neighborhood Commercial District is primarily composed of service businesses or light retail establishments generally designed to serve nearby residential areas. It is the intent of this district to provide convenient commercial establishments that are primarily used by persons residing in the area. All businesses shall be those which are not objectionable by reason of odor, dust, bright lights, noise, vibration, or traffic congestion, and should, when possible, be conducted within a completely enclosed building.

The site plan for such use must provide for adequate ingress and egress of vehicular traffic and will not cause safety, health or traffic problems in the area.

The proposal is justified based on facts presented to indicate the need for such use, as called for in the Comprehensive Plan.

B. Principal Use and Structures

Principal uses and structures shall be permitted in the C-1 Neighborhood Commercial District:

1. Animal Hospital, Veterinarian Clinic
2. Antenna, Amateur Radio
3. Antenna, Government Owned
4. Antenna, Satellite TV
5. Art Studio
6. Assembly Hall
7. Bank
8. Barber Shop
9. Beauty Salon
10. Bed and Breakfast
11. Cemetery, Religious Institution
12. Convenience Store
13. Craft Shop
14. Daycare, Center
15. Drug Store
16. Dry Cleaning, Neighborhood
17. Flower Shop
18. Kennel
19. Kindergarten
20. Medical, Dental Clinic
21. Office, Professional
22. Personal Care Home
23. Place of Public Assembly
24. Playschool
25. Produce Stand

26. Public Park, Bldgs, owned and operated for public purposes
27. Public Safety and Emergency Services
28. Recreation, Private
29. Recreation Center or Club, Private
30. Restaurant (provided that drive thrus are not allowed)
31. Retail Sales, General Merchandise
32. School, K-12 Private
33. Signs
34. Special Events
35. Swimming Pool
36. Utilities, Structures and Bldgs. Public
37. Veterinary Clinic
- C. Accessory Use and Structures
Accessory uses and structures shall be permitted in the C-1 Neighborhood Commercial District in accordance with §4.12 of this ordinance.
- D. Conditional Use
The following conditional uses shall be permitted in the C-1 Neighborhood Commercial District:
 1. Alternative Tower Structure
 2. Temporary Building

2.07.002

CH Highway Commercial

- A. Purpose and Intent
The CH Highway Commercial District is composed of light to medium intensity commercial uses which are primarily designed to serve the automotive traveling public and should be located on major or minor arterial or collector streets as defined in the Comprehensive Plan. Such uses should be those which are not objectionable by reason of odor, dust, bright lights, noise, or vibration, and should, when possible, be conducted within a completely enclosed building. Individual development of such uses should be allowed subject to the following conditions:

Such proposed use is not inconsistent with current or projected neighboring land use and zoning.

The site plan for the proposed use shall provide for adequate ingress and egress of vehicular traffic and shall not cause safety, health, or unreasonable traffic problems in the area.

The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Comprehensive Plan.
- B. Principal Use and Structures
Principal uses and structures shall be permitted in the CH Highway Commercial District:
 1. Animal Hospital, Veterinarian Clinic
 2. Antenna, Amateur Radio
 3. Antenna, Government Owned
 4. Antenna, Satellite TV
 5. Antique Shop
 6. Appliance Store

7. Art Gallery
8. Art Studio
9. Assembly Hall
10. Automobile Parts, Accessories
11. Automobile Repair
12. Automobile Service Station
13. Bank
14. Building Supplies
15. Business Services
16. Business Support Services
17. Catering Service
18. Cemetery, Religious Institution
19. Clothing, Dry Goods
20. Club/Lodge, Private
21. Convenience Store
22. Convenience Store/Gas Station/Fast Food Restaurant
23. Drug Store
24. Elderly Housing, Assisted Living
25. Elderly Housing, congregate care facility
26. Farm Equipment, sales, rental, repair
27. Feed Store
28. Flower Shop
29. Funeral Home
30. Gift, Specialty Shop
31. Greenhouse
32. Hardware, Paint Store
33. Kennel
34. Kindergarten
35. Laundromat
36. Laundry and Dry Cleaning, pick-up
37. Medical, Dental Clinic
38. Motor Vehicle, General Repair
39. Motor Vehicle, Body Shop
40. Office, Professional
41. Office Park
42. Outdoor Recreational Facilities, Commercial
43. Place of Public Assembly
44. Playschool
45. Produce Stand
46. Public Park, Bldgs, owned and operated for public purposes
47. Public Safety and Emergency Services
48. Recreation, Commercial
49. Recreation, Private
50. Recreation Facilities
51. Recreation Center or Club, Private
52. Restaurant
53. Retail Sales, General Merchandise

- 54. Retail Sales, Household
- 55. Retail Sales, Service Establishment
- 56. Riding Stables, Commercial
- 57. School, K-12 Private
- 58. Shopping Center
- 59. Signs
- 60. Special Events
- 61. Swimming Pool
- 62. Utilities, Structures and Bldgs. Public
- 63. Warehouse, Mini

C. Accessory Use and Structures

Accessory uses and structures shall be permitted in the CH Highway Commercial District in accordance with §4.12 of this ordinance.

D. Conditional Use

Conditional uses shall be permitted in the CH Highway Commercial District:

- 1. Alternative Tower Structure
- 2. Temporary Building

2.07.003

C-2 General Commercial District

A. Purpose and Intent

The C-2 General Commercial District is primarily composed of heavy commercial uses usually located near population centers and which may generate increased traffic and congestion. The intent of this district is to provide for special areas which, due to their location or current land use, have been set aside to allow uses which may not be allowed in the lighter commercial districts, but are not generally objectionable by reasons of dust, odor, bright lights, noise or vibration. This district should generally be utilized as a buffer between light industrial and lighter commercial zones, and uses within this district should, when possible, be carried on within a completely enclosed building. Individual development of such uses should be allowed subject to the following conditions:

Such proposed use is not inconsistent with neighboring zoning and current land use, and will, when necessary, provide adequate buffer between adjoining heavier industrial and lighter commercial, residential or agricultural districts;

The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and will not cause safety, health or unreasonable traffic problems in the area; and

The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Comprehensive Plan.

B. Principal Use and Structures

Principal uses and structures shall be permitted in the C-2 General Commercial District as follows:

- 1. Animal Hospital, Veterinarian Clinic
- 2. Antenna, Amateur Radio
- 3. Antenna, Government Owned
- 4. Antenna, Satellite TV

5. Antique Shop
6. Appliance Store
7. Art Gallery
8. Art Studio
9. Assembly Hall
10. Automobile Parts, Accessories
11. Automobile Repair
12. Automobile Service Station
13. Bank
14. Barber Shop
15. Beauty Salon
16. Business Services
17. Business Support Services
18. Catering Service
19. Cemetery, Religious Institution
20. Clothing, Dry Goods
21. Club/Lodge, Private
22. Convenience Store
23. Convenience Store/Gas Station/Fast Food Restaurant
24. Craft Shop
25. Daycare Center
26. Drug Store
27. Dry Cleaning, Neighborhood
28. Elderly Housing, Assisted Living
29. Elderly Housing, congregate care facility
30. Feed, Seed Store
31. Flower Shop
32. Funeral Home
33. Gift, Specialty Shop
34. Golf, swimming, tennis or country clubs
35. Greenhouse
36. Hardware, Paint Store
37. Kennel
38. Kindergarten
39. Landscape Contractor
40. Laundromat
41. Laundry and Dry Cleaning, pick-up
42. Medical, Dental Clinic
43. Motor Vehicle, General Repair
44. Motor Vehicle, Body Shop
45. Office, Professional
46. Outdoor Recreational Facilities, Commercial
47. Place of Public Assembly
48. Playschool
49. Produce Stand
50. Public Park, Buildings, owned and operated for public purposes
51. Public Safety and Emergency Services

- 52. Recreation, Commercial
- 53. Recreation Community
- 54. Recreation, Private
- 55. Recreation Facilities
- 56. Recreation Center or Club, Private
- 57. Recycling Station
- 58. Restaurant
- 59. Retail Sales, General Merchandise
- 60. Retail Sales, Household
- 61. Retail Sales, Service Establishment
- 62. School, K-12 Private
- 63. Secondhand Store
- 64. Shopping Center
- 65. Signs
- 66. Special Events
- 67. Swimming Pool
- 68. Tanning Studio
- 69. Thrift Store
- 70. Utilities, Structures, and Buildings, Public
- 71. Veterinary Clinic
- C. Accessory Use and Structures
Accessory uses and structures shall be permitted in the C-2 General Commercial District in accordance with §4.12 of this ordinance.
- D. Conditional Use
Conditional uses shall be permitted in the C-2 Highway Commercial District as follows:
 - 1. Alternative Tower Structure
 - 2. Temporary Building

Chapter 2.08: Office Institutional

2.08.001

O-I Office Institutional District

A. Purpose and Intent

The O-I Office-Institutional District is primarily composed of a combination of service-oriented business and professional, administrative, non-profit, and public institutional or related offices located on or adjacent to community facilities. This district should, when possible, be employed as a buffer zone between predominantly residential and heavier commercial or industrial districts. Uses within this district should be those which do not generate excessive noise, traffic congestion or other health hazards and which will promote land use consistent with the Comprehensive Plan.

B. Principal Use and Structures

Principal uses and structures shall be permitted in the O-I Office Institutional District as follows:

- 1. Antenna, Amateur radio
- 2. Antenna, Government Owned
- 3. Antenna, Satellite TV

4. Bank
 5. Office, Professional
 6. Office Park
 7. Public Safety and Emergency Services
 8. Signs
 9. Utilities, Structures and Buildings, Public
 10. Religious Institutions
- C. Accessory Use and Structures
Accessory uses and structures shall be permitted in the O-I Office Institutional District in accordance with §4.12 of this ordinance.
- D. Conditional Use
Conditional uses shall be permitted in the O-I Office Institutional District as follows:
1. Alternative Tower Structure
 2. Temporary Building
 3. Veterinary Clinics

Chapter 2.09: Industrial District

2.09.001

M-1 Light Industrial

A. Purpose and Intent

The M-1 Light Industrial District is composed primarily of wholesale warehousing, trade shops, and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of this district is to establish areas of industrial use which would be less objectionable by reasons of dust, odor, noise, congestion, etc. Such uses should be encouraged near existing similar uses and in accordance with the Comprehensive Plan.

B. Principal Use and Structures

Principal uses and structures shall be permitted in the M-1 Light Industrial District as follows:

1. Automobile repair and paint shop.
2. Automobile wash service
3. Tire retreading and recapping
4. Amusement, recreational and entertainment activities carried on wholly within a per
5. Coliseum, stadium
6. Fairgrounds and amusements
7. Golf or baseball driving range
8. Miniature golf course
9. Par 3 golf course
10. Drive-in theater
11. Radio and television broadcasting stations.
12. Radio, television and other communication transmission towers
13. Point-top-point communication agencies
14. Electric transformer station, gas regulator station and telephone exchange
15. Public uses
16. Sewage treatment plants

17. Mobile home, as accessory for use for security purposes only.
 18. Drive-in restaurant
 19. Bookbinding
 20. Photoengraving, typesetting, electrotyping and stereotyping
 21. Publishing
 22. Accessory retail sales and services
 23. Home appliance repair and related service
 24. Radio and television repair
 25. Reupholstery, furniture and major appliance repair
 26. Furniture upholstery and repair
 27. Medical and dental laboratories
 28. Warehousing and storage (including mini-warehouses)
 29. Stations and terminals for bus and rail passenger service
 30. Wholesale sales office.
- C. Accessory Use and Structures
Accessory uses and structures shall be permitted in the M-1 Light Industrial District in accordance with §4.12 of this ordinance.
- D. Conditional Use
Conditional uses shall be permitted in the M-1 Light Industrial District as follows:
1. General building contractors
 2. Heavy construction contractors
 3. Contractors' storage and equipment yards
 4. Light manufacturing and processing
 5. Wholesale trade and distribution establishments

2.09.002 Reserved

Chapter 2.10: Reserved

Article 3: Overlay Zoning Districts

Chapter 3.01: Wetlands District

3.01.001

WET - Wetlands District

A. Purpose and Intent

The wetlands within Statham are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

It is therefore necessary for Statham to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of this section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this section is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

B. Relationship to Zoning

The Wetland Protection District shall comprise an overlay zone that supplements and is indicated on the Official Zoning Map of Statham, Georgia.

C. Local Development Permit Requirements

No regulated activity will be allowed within the Wetland Protection District without written permission from the City of Statham in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. All activities that are not identified in Section 4 or by other local development ordinances, shall be prohibited without prior issuance of a local development permit. If the area proposed for development is located within 50 feet of the

Wetland Protection District boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

D. Permitted Uses

The following uses shall be allowed as of right within a Wetland Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein.

1. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.²
2. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit³.
3. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
4. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.⁴

²Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required performance standards and 15 specific road construction best management practices (BMPs) that must be followed in order to qualify for such an exemption.

³The source wetlands map is the Fish and Wildlife Service National Wetlands Inventory maps. Statham should consider the limitations of available map resources used to compile the Generalized Wetland Map. To varying degrees, all maps contain systematic distortion and inaccuracy. Generally, inaccuracy grows larger with decreasing map scale. Commonly used wetland maps, such as the National Wetland Inventory (NWI) Maps, are drawn at a scale of 1:24,000. This means that 1 inch on the map represents 24,000 inches on the ground, or 2,000 feet (approximately two-fifths of a mile). Maps of this scale cannot define wetland boundaries in a legally defensible way. In addition, many small and isolated wetlands may not be shown on these maps. For these reasons, the Generalized Wetland Map adopted by Statham can only be regarded as a general reference document, which may serve a variety of functions, such as indicating the need for seeking advice or a wetland determination from the U.S. Army Corps of Engineers. A Generalized Wetland Map, at a scale of 1:24,000, cannot be used to delineate, in a legally defensible manner, the boundaries of jurisdictional wetlands. Formal delineation of wetlands that are protected by Section 404 of the Clean Water Act, is vested with the U.S. Army Corps of Engineers. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture is the lead agency for making wetland delineations on agricultural lands.

⁴Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required performance standards and 15 specific road construction best management practices (BMPs) that must be followed in order to qualify for such an exemption.

5. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit⁵.
6. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.⁶
7. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
8. Education, scientific research and nature trails.

E. Temporary Emergency Permit

A temporary emergency permit can be issued by the City of Statham for the following reasons:

1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the City of Statham and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
2. Temporary water-level stabilization measures associated with ongoing silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
3. Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of Section D.

⁵The source wetlands map is the Fish and Wildlife Service National Wetlands Inventory maps. Statham should consider the limitations of available map resources used to compile the Generalized Wetland Map. To varying degrees, all maps contain systematic distortion and inaccuracy. Generally, inaccuracy grows larger with decreasing map scale. Commonly used wetland maps, such as the National Wetland Inventory (NWI) Maps, are drawn at a scale of 1:24,000. This means that 1 inch on the map represents 24,000 inches on the ground, or 2,000 feet (approximately two-fifths of a mile). Maps of this scale cannot define wetland boundaries in a legally defensible way. In addition, many small and isolated wetlands may not be shown on these maps. For these reasons, the Generalized Wetland Map adopted by Statham can only be regarded as a general reference document, which may serve a variety of functions, such as indicating the need for seeking advice or a wetland determination from the U.S. Army Corps of Engineers. A Generalized Wetland Map, at a scale of 1:24,000, cannot be used to delineate, in a legally defensible manner, the boundaries of jurisdictional wetlands. Formal delineation of wetlands that are protected by Section 404 of the Clean Water Act, is vested with the U.S. Army Corps of Engineers. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture is the lead agency for making wetland delineations on agricultural lands.

⁶Under Section 404, normal on-going agricultural activities are exempted from 404 regulations and do not require a permit. Normal agricultural activities include planting and harvesting of crops and pasturing of livestock.

4. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

F. Site Plans

Applications for a local development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of 1" = 50', with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
7. All proposed temporary disruptions or diversions of local hydrology.

G. Activities to Comply with the Site Plan

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the City of Statham. The City of Statham may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.

Statham may require a bond up to the larger of \$5,000.00 or \$1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, Statham or its designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

H. Permit

1. Application. Application shall be made pursuant to Chapter 5.01 of this ordinance. At the time of the application, the applicant shall pay the specified filing fee. Filing fees up to the larger of \$500.00 or \$100.00 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the City of Statham.

2. Duration of Permit

- a. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- b. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- c. Written notice of the pending expiration of the development permit shall be issued by the City of Statham.

I. Penalties

1. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the City of Statham.
2. When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City of Statham.
3. If the City of Statham discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

J. Suspension, Revocation

The City of Statham may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The City of Statham shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.

K. Judicial Review

1. The applicant may appeal a decision in such manner as set forth in Chapter 6.07.

2. Alternative Actions

Based on these proceedings and the decision of the court, the City of Statham may, within the time specified by the court, elect to:

- a. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
- b. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
- c. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City of Statham.

L. Map Amendment

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

M. Relief Assessment

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement

or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

Chapter 3.02: Reserved

Chapter 3.03: Reserved

Chapter 3.04: Water Supply Watershed

3.04.001

Findings and Purpose

A. Purpose and Intent

In order to provide for the health, safety and welfare of the public and a healthy economic climate within Statham and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation which threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicant, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of Statham; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to the portions of the following watershed(s), which occur within the jurisdiction of Statham and are herein identified as water supply watersheds: Barber Creek.

B. Establishment of a Water Supply Watershed District

The Barber Creek Water Supply Watershed District is hereby designated and shall comprise the land that drains to Barber Creek from the reservoir boundary or stream bank to the ridge line of the watershed. The boundary of the Watershed District is defined by the ridge line of the watershed or by the political boundaries of Statham, where those boundaries occur within the watershed. The boundary shall be set at places readily identifiable on the Watershed District Map. The Watershed District overlies the Official Zoning Map of Statham, which is hereby incorporated and made part of this ordinance by reference.

C. Water Quality Critical Area

The Water Quality Critical Area shall comprise all lands within the Water Supply Watershed District.

D. Limited Development Area

The limited development area is established for the remaining part of the Watershed District outside the Water Quality Critical Area.

E. Permit Required

1. Permit Requirements. Within the Water Supply Watershed District, no land-disturbing activity, construction or other development, other than certain exempted activities identified within, may be conducted without a permit from the City of Statham and must be in full compliance with the terms of this ordinance and other applicable regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.

2. Temporary Emergency Permit. Notwithstanding the provisions of this district or any other law to the contrary, the City of Statham may issue a temporary emergency permit through oral or written authorization, provided a written permit is accomplished within five days, if it deems that an unacceptable threat to life or severe loss of property will occur if a temporary emergency permit is not granted. The temporary emergency permit may be terminated at any time without process upon a determination by the City of Statham that the action was not or is no longer necessary to protect human health or the environment.

3. Exemptions. The following land-use activities are exempted from the permit and site plan requirements of this Ordinance:

a. Agriculture and Forestry. Normal agricultural activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices established by the Georgia Forestry Commission.

b. Enforcement. The City of Statham, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the City of Statham deems necessary. The City of Statham is hereby designated as the administrator and enforcement authority for this Ordinance. The Mayor and Council or their designee shall have authority to enforce this Ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator. Law enforcement officials or other officials having police powers shall have authority to assist the Mayor and Council or their designee in enforcement of this Ordinance. Any person who commits, takes part in or assists in any violation of any provision of this Ordinance shall be fined not more than \$1000 or incarcerated for 12 months for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. The Mayor and Council or their designee shall have the authority

to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Chapter 6.07. When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure. When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

F. Permit Review

1. Site Plans Required. Except for the exemptions listed in this section, all forms of development within the Watershed District shall be required to have a site plan prepared and approved according to this ordinance before any building permits or other development related permits may be issued or any land-disturbing activity may take place.
2. Information Required. Each site plan submitted under this ordinance shall include the following:
 - a. A site plan drawn to a scale of 1"=50' showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, water courses and drainage ways; water, wastewater and stormwater facilities; and utility installations.
 - b. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
 - c. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 - d. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
 - e. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - f. Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

G. Activities to Comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of storm-water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the City of Statham. Minor changes, such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

H. Exemptions from Site Plan Requirement

The following activities and developments are exempt from the requirement for detailed site plans:

1. Single family detached homes constructed within a subdivision of fewer than five parcels.
 2. Repairs to a facility that is part of a previously approved and permitted development.
 3. Construction of accessory buildings or additions to single family residences.
- I. Pre-Application Conference
- A pre-application conference is strongly encouraged between the applicant and the City of Satham and can be scheduled at the request of the applicant. The purpose of the meeting is to review local land use restrictions, site plan requirements and the permitting process.
- J. Filing Fee
- At the time of the application, the applicant shall pay a specified filing fee. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment and mitigation measures as deemed necessary by the City of Satham.
- K. Review Procedures
- Mayor and Council The City of Satham shall review and vote on the permit application. The Mayor and Council or their designee may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the City of Satham shall notify the applicant. If the City of Satham fails to act on the application within thirty (30) days of its submission to the City of Satham, or the next regularly scheduled Council meeting, whatever is later, the application is deemed to have been approved.
- L. Denial
- If the permit is denied by the City of Satham, then the same permit application cannot be considered until the expiration of at least six (6) months immediately following the denial of the permit by the City of Satham.
- M. Appeals
- Decisions on permit applications made by the City of Satham may be appealed to the Barrow County Superior Court. The appeal must be made within thirty (30) days of the decision rendered by the City of Satham.
- N. Duration of Permit Validity
1. If construction described in the development permit has not commenced within twelve months from the date of issuance, the permit shall expire.
 2. If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve months after the date that work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as far as practicable.
 3. Written notice of pending expiration of the development permit shall be issued by the City no later than thirty (30) days prior to expiration.

3.04.002

Land Use Restrictions

A. Water Quality Critical Area

The following limitations on permissible uses shall apply to the Water Quality Critical Area.

1. New Hazardous Waste Handling Facilities. New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources,

shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

2. New Hazardous Waste Treatment or Disposal Facilities. New hazardous waste treatment or disposal facilities are prohibited.
3. New Sanitary Landfills. New sanitary landfills are permitted only if they have synthetic liners and leachate collection systems.
4. Agricultural Land Use. The application of animal waste on land must be accomplished according to the Agricultural Best Management Practices.

B. Limited Development Area

1. New Hazardous Waste Handling Facilities. New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
2. New Hazardous Waste Treatment or Disposal Facilities. New hazardous waste treatment or disposal facilities are prohibited.
3. New Sanitary Landfills. New sanitary landfills are permitted only if they have synthetic liners and leachate collection systems.
4. Agricultural Land Use. The application of animal waste on land must be accomplished according to the Agricultural Best Management Practices.

3.04.003

Impervious Surface Limitations

The following limitations on permissible uses shall apply to the Limited Development Area.

- A. Impervious Surface Limitations. No more than 25 percent of the land area in the watershed may be covered by impervious surface within the Barber Creek Watershed.
- B. Impervious Surface Setbacks.
 1. For all perennial streams within the Water Quality Critical Area, no impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.
 2. For all perennial streams beyond a seven-mile radius of Barber Creek, no impervious surface shall be constructed within a 75 foot setback area on both sides of the stream as measured from the stream banks.

3.04.004

Vegetative Buffers

A. Vegetative Buffers

1. Undisturbed Stream Buffers within Water Quality Critical Area. For all perennial streams within the Water Quality Critical Area, an undisturbed vegetative buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
2. Stream Buffers outside the Water Quality Critical Area. For all perennial streams beyond a seven mile radius of Barber Creek, a buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
3. Silvicultural BMPs. Notwithstanding any other provisions of this ordinance, forestry practices, in accordance with a forest management plan that incorporates best

management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas.

4. Agricultural BMPs. Notwithstanding any other provisions of this ordinance, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

B. Septic Tank Drainfield Restrictions

Septic tanks and septic tank drainfields are prohibited in the setback area established in Subsections 6.1.1.

C. Street Runoff and Drainage

New streets constructed within the Water Quality Critical Area shall not require any curb and gutter improvements additional to those required in the City of Statham. New streets that cross perennial streams within the Water Quality Critical Area shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the site plan.

D. Hazardous Materials Handling

New facilities located within the Water Supply Watershed District that handle hazardous materials of a type and amounts requiring a permit from the Department of Natural Resources or that require disposal at a hazardous materials facility by a hazardous materials handler permitted or licensed by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collection systems shall be shown on the site plan in detail and must be approved, as part of the site plan, by the City of Statham.

E. Soil Erosion and Sedimentation Control

All developments and land disturbing activity within the Water Supply Watershed District shall comply fully with the Soil Erosion and Sedimentation Control Ordinance of Statham.

3.04.005

Non-conforming Uses

A. Previous Uses Preserved

The lawful use of any building, structure or land use existing at the time of the enactment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the nonconforming structures or use shall not be:

1. Changed to another nonconforming use;
2. Increased in intensity of use;
3. Re-established after discontinuance for 12 months;
4. Extended except in conformity with this ordinance; or
5. Structurally altered, except for repairs necessary for the continuation of the existing use.

B. Replacement of Non-conforming Uses

A nonconforming building, structure or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50%) percent of the reasonable estimated replacement cost of the structure, building or improvement, as determined by the Building Inspector, may not be reconstructed or restored to the same nonconforming use except upon written approval of the City of Statham.

C. Application to Projects Partially Complete

For any development that has received, before the effective date of this Ordinance, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the City and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this ordinance. Any significant additions, expansions or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this Ordinance.

3.04.006

Variances

A. When Issued

The City of Statham or its staff may authorize, upon appeal in individual cases, variances from the terms of this Ordinance as will not be contrary to the public interest. Variances will only be issued in cases where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Such variance may be granted in individual cases of practical difficulty or unnecessary hardship only upon a finding by the City of Statham that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of this Ordinance to the particular piece of property would create an unnecessary hardship;
3. Relief, if granted, would not cause substantial detriment to the water quality of the reservoir or water supply intake stream or impair the purposes and intent of this ordinance;
4. The special circumstances surrounding the request for a variance are not the result of acts by the applicant;
5. The variance is not a request to permit a use of land, buildings or structures that is not permissible in the district involved; and
6. The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to the provisions of this Chapter.

B. Conditions

The City of Statham may, as a condition of the variance to certain provisions of this Ordinance, require that alternative measures be taken by the applicant such that the purposes of this Ordinance may be achieved through alternative means.

3.04.007

Judicial Review

A. Jurisdiction

The City of Statham may, as a condition of the variance to certain provisions of this Ordinance, require that alternative measures be taken by the applicant such that the purposes of this Ordinance may be achieved through alternative means.

B. Alternative Actions

Based on these proceedings and the decision of a court, the City of Statham may, within the time specified by the court, elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City of Statham.

3.04.008

Amendments

These regulations and the Watershed District Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

3.04.009

Assessment Relief

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

3.05

Bear Creek Watershed Protection District

3.05.001

Legislative Findings; Purchase and Intent

The Mayor and Council of the City of Statham, Georgia ("Council") finds that Barrow County has, in conjunction with Jackson County, Oconee County, and Athens-Clarke County, entered into intergovernmental agreements with the Upper Oconee Basin Water Authority ("Authority") to construct a regional reservoir to meet the long range water needs of the region. The Georgia Department of Natural Resources (DNR) has classified the water in the Bear Creek Watershed as suitable for drinking water. The Authority has conducted a review of the local governments located in the Bear Creek Watershed to document existing conditions and formulate policies and strategies to guide the local governments located in the Bear Creek Watershed in its future land use and management of land within the Bear Creek Watershed Protection District ("Bear Creek WPD").

The Council further finds that Bear Creek WPD will allow for protection of wetlands and the preservation of the integrity of water supplies in the City of Statham and in Barrow County to the greatest extent possible. The Georgia Department of Natural Resources "Environmental Planning Criteria for Water Supply Watersheds" defines Bear Creek as a "small" water supply watershed. The Middle Oconee River intake pump station is located in a Watershed greater than one hundred (100) square miles. The DNR criteria require, among other things, streamside and lakeside vegetated buffers, impervious surface setbacks, septic tank and drain field setbacks, and that impervious surface area including all public and private structures, utilities, or facilities, be limited throughout the entire watershed to a minimum of twenty-five (25) percent of the area of

the entire watershed which is located within Jackson County, Barrow County, and the City of Statham, Georgia. Each of these governmental entities are enacting a watershed protection ordinance to protect the Bear Creek Watershed and to ensure that the impervious surfaces throughout the entire watershed be limited to a minimum of twenty-five percent (25%) of the area of the entire watershed. The total area of the Bear Creek Watershed is 11.5 square miles. The Bear Creek Watershed area within the City of Statham, Georgia is 1.4 square miles.

The following regulations are intended to protect the health, safety and general welfare of the citizens of the City and Barrow County and to implement the policies and objectives and findings of the City, Barrow County and the Authority relating to the Bear Creek Watershed throughout the enactment of regulations governing the use of the affected land in the City pursuant to the City's zoning, planning and general police powers. The purpose of the Bear Creek WPD is to protect the public health by setting standards for land use which will maintain, and where possible improve the purity of water in the streams in the City of Statham, Georgia, which flow into the proposed public water intake and reservoir. The Bear Creek WPD is intended to provide for lower density residential development, public and private open space, park land, and related uses which are compatible with the primary purpose of protecting the purity of the water, and which are reasonably related to the primary intended land use of low density residential development and recreational uses.

3.05.002

Definitions

The following definitions apply to the Bear Creek WPD. Any word or phrase not defined below but otherwise defined in this chapter shall be given the meaning set forth in this chapter. All other words and phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

1. Authority: Upper Oconee Basin Water Authority.
2. Council: The Mayor and Council of the City of Statham, Georgia.
3. Bear Creek Reservoir: The water impoundment project consisting of the impounded waters from Bear Creek located in Jackson County, Georgia.
4. Bear Creek Watershed Protection Area: The area of land lying within the drainage basin of the watershed of the Bear Creek Reservoir as shown on the Bear Creek WPD map.
5. Impervious surface: A manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Examples of impervious surfaces including buildings, roads, driveways, parking lots, swimming pools, tennis courts or patios.
6. Perennial streams: A watercourse having a source, terminus, banks and channels through which water flows on a continuous basis throughout the whole year as indicated on the current United States Geological Survey (USGS) maps for the Bear Creek WPD.
7. Stream buffer areas: The area extending a horizontal distance of one hundred (100) feet from the top of both banks of a perennial stream and maintained as a natural or enhanced vegetated area with no or limited minor land disturbances.
8. Watershed: A drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake or reservoir.
9. Wetlands: Those areas designed by the U.S. Army Corps of Engineers as meeting the criteria

for inclusion in the category of wetlands pursuant to the provisions of the U.S. Clean Water Act of 1972, as amended.

3.05.003

District Boundaries

There is hereby established a zoning district under Chapter 3.05 of Article 3 of the Statham Zoning Ordinance known as the Bear Creek WPD. This Bear Creek WPD shall consist of all land within the district boundary line which lies within the City limits of the City of Statham as specified on the Bear Creek WPD map attached hereto as Exhibit "A," which map is hereby incorporated into and made a part hereof by this reference. The regulations set forth in this subsection shall apply to all land within this Bear Creek WPD.

3.05.004

Bear Creek Watershed Protection Area

The Bear Creek WPD within the City of Statham in Barrow County include all land located within the Bear Creek Watershed Protection area designated on the Bear Creek WPD map which lies within the City of Statham. Uses permitted within the watershed protection area shall be specified herein. This Bear Creek WPD comprises the watershed area within the boundaries of the City of Statham as defined in the Upper Oconee Basin Water Authority Reservoir Management Plan. The uses set forth in Section 3.05.006 are permitted in the Bear Creek WPD, provided they meet all the requirements stated in this Chapter and the City of Statham Zoning Ordinances.

3.05.005

Density, Lot Size and Setback Requirements

Density, lot size and setback requirements shall be those required for the underlying zoning classification.

A site plan, approved by Barrow County Health Department and the City of Statham, shall be required prior to the issuance of a building permit. The following additional requirements must be met prior to obtaining rezoning or building permits within the Bear Creek WPD: Should the owner of a lot, parcel or tract of land included in the Bear Creek WPD propose to divide any portion of his property that lies within the Bear Creek WPD, the owner or his authorized agent shall submit a plat or drawing to scale showing the exact location of any perennial stream that is located on or within 250 feet of the property to be zoned or permit to be issued.

3.05.006

Permitted and Conditional Uses

The following shall be the permitted and conditional uses in the Watershed.

A. Permitted Uses

****** Indicates that best management practices as defined by the Erosion and Sedimentation Act of 1975 shall be applicable.

1. Accessory uses and structures
2. Art shows and special events (___ days/___ times a year)
3. Daycare (in home)
4. Community fairs and events on government-owned property
5. Home occupation
6. Dwellings, single-family (detached)
7. Golf, swimming, tennis or country clubs.
8. Parks, private**

Building and facilities owned or operated by a person, persons, corporation or corporations or associations for social, educational, or recreational purposes.

9. Recreational/education and support facilities – government owned.

Areas designated for public use as recreation/education with the normal support facilities necessary for the operation and maintenance of said areas. Recreation/education uses shall include, but not be limited to, the following uses:

- a. Picnic areas
- b. Boat ramps
- c. Amphitheater
- d. Nature center
- e. Nature trails
- f. Camping areas
- g. Fishing piers
- h. Horticultural gardens
- i. Swimming pool

B. Conditional Uses

1. Cemeteries (Only on 20 acres or larger)
2. Religious Institutions
3. Communication towers
4. Places of public assembly
5. Schools K-12, private

3.05.007

Stream Buffer

All perennial streams within the Bear Creek WPD shall be regulated by each of the following criteria:

1. A natural or enhanced vegetated area with limited land disturbances shall be maintained for a distance of one hundred (100) feet from both sides of the stream as measured from the stream banks;
2. No impervious service shall be constructed or placed within a distance of one hundred fifty (150) feet from both sides of the stream as measured from the stream banks;
3. No septic tanks or septic tank drainfields shall be constructed or placed within a distance of one hundred (150) feet from both sides of the stream as measured from the stream banks; and
4. Limited forestry and existing agricultural activities area to be allowed in accordance with the following criteria:
 - (a) The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture;
 - (b) Upper Oconee Water Basin Authority Reservoir Management Plan, and
 - (c) The activity shall not impair the quality of the drinking water stream.
5. The following shall be exempt from the stream buffer regulations provided herein:
 - (a) Land uses and structures existing prior to the date of the adoption of the ordinance.
 - (b) Streets, bridges and drainage structures may be within the required buffers and setbacks where necessary for access. The number located in these areas shall be minimized as much as possible.
 - (c) Utilities shall be exempt from the buffer requirements if they cannot feasibly be located outside these areas on the condition that they area located as far from the stream bank as possible.
6. The following criteria apply at all locations in the Bear Creek Watershed Protection Area:
 - (a) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
 - (b) New hazardous waste treatment or disposal facilities are prohibited.
 - (c) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) per

cent, or existing use, whichever is greater.

- (d) New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surface having spill and leak collection systems as prescribed by the Department of Natural Resources.

3.05.008 On-Site Wastewater Management Systems

Current city and county ordinances require a permit for siting and installation of septic tanks and absorption fields from the Barrow County Health Department. Said laws, ordinances and regulations shall be applicable to this district.

3.05.009 Reserved

3.05.010 Applicability

This subsection shall govern all property within the Bear Creek WPD as delineated herein and supersedes and shall control over any conflicting regulations governing the land located within the Bear Creek WPD in existence prior to its adoption.

Chapter 3.06 City of Statham: Conservation Overlay District

3.06.001 Intent and Purpose

The intent of a Conservation District is to provide for planned residential developments, which incorporate innovative concepts such as efficiency in land use, multi-modal transportation systems, efficient use of infrastructure, creation and protection of open spaces, a unique sense of community and place, and a diversity of housing types. A Conservation District provides a residential zoning overlay that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land.

A Conservation District is intended to allow a mixture and/or density of land uses not otherwise allowed in an established zoning district; by careful site planning the appropriate site improvements are incorporated into the design which establishes compatible relationships between uses within the site, the environmentally sensitive areas of the site, and uses adjacent to the site. The purpose of requiring undisturbed open spaces preserves sensitive areas such as floodplains, wetlands, streams, steep slopes, woodlands (especially woodlands containing specimen trees) and wildlife. The open spaces would provide for linkage of pedestrian, bicycle and golf cart paths which would encourage recreation opportunities and provide community focal points within the neighborhood.

3.06.002 General Conditions

An area may be qualified for a use by right Conservation Overlay District if the following conditions exist:

1. Currently zoned R-1, R1-M, R-Z, or R-3
2. Minimum Acreage of 5 acres.
3. Sufficient capacity available for city water and sewer connection.

3.06.003 Requirements

All proposed overlay developments shall conform to the following specific requirements:

1. Maximum density shall not exceed 4.0 density units per acre.

2. An incorporated multi-modal transportation plan shall be included within the development including golf cart, bicycle, and pedestrian access.
3. Open space dedication shall be preserved within sensitive areas as referenced in Section A, Intent and Purpose. The size of the open space shall be 33% of total development area. Open space shall remain undisturbed except for the construction of transportation paths, and sanitary sewer and storm sewer lines. Areas within stormwater detention facilities shall not be counted toward the minimum open space area.
4. In developments that exceed 20 acres, a developed recreation area shall be part of the development that is sufficient in area to provide for a pool, parking, and athletic facility (i.e. tennis, volleyball, tot-lot, etc.). The recreation area shall not be counted toward the required open space area.
5. 4 foot wide sidewalks shall be required on both sides of all streets within the development. Sidewalk intersection locations shall meet minimum A.D.A. requirements.
6. Street designs and specifications may differ from the standard subdivision streets.
 - a. Minimum street design standards:
 - i. Street composition shall not be less than current standards
 - ii. Street width minimum shall be twenty-four (24) feet from face of curb to face of curb.
 - iii. Right of Way minimum shall be the width of the street from back of curb to back of curb. However, if this option is proposed utility and access easements shall be provided.
 - iv. Sidewalk locations shall be 5 feet from back of curb.
 - b. Shared alleyways shall be allowed as part of the overall design.
7. Street trees required to be planed 50 feet on center within the 5 foot wide area between the back of curb and sidewalk. Trees to be a species suitable within this region and a shade type tree.
8. There shall be no land disturbance beyond the areas needed for the construction of roads and utilities prior to the issuance of individual buildings within the development.
9. Twenty-five percent (25%) of the proposed dwelling units shall be constructed with a minimum of 1600 square feet of finished floor space exclusive of garages, and the remaining dwelling units shall have a minimum of 1800 square feet of finished floor space exclusive of garages.
 - a. Provided, however, that if a conditional use permit is approved for an Active Adult Community, dwelling units shall be a minimum of 1400 square feet of finished floor space exclusive of garages.
10. Building setback lines within the overlay district shall be:
 - a. Front 20' (measured from edge of sidewalk)
 - b. Rear 20'; (20' adjacent to local street; 50' adjacent to S.R. DOT)
 - c. Side Yards shall be added to a minimum total of ten (10) feet; one yard may be 0.
 - d. Corner lots shall be considered to have two front yards.
11. All residential dwellings shall be built on a basement, or on a crawlspace type construction. Slab construction shall be prohibited.

3.06.004 Permitted Uses

1. All residential uses allowed within the underlying zoning districts.
2. Commercial and Office as Mixed Use with the Residential
 - a. Providing a Conditional Use Permit is approved by the City Council, Commercial and Office uses can be proposed as supplemental uses with the following restrictions.
 - i. A maximum of 15% of the total proposed acreage shall be used toward commercial or office uses.
 - ii. The location of the commercial or office uses shall be along a major thoroughfare near the main entrance of the subdivision.

- iii. A minimum of a 25' planted buffer shall be located on the commercial or office perimeter, adjacent to the residential section of the development. The city council shall approve the planting design and plant material.
- iv. When Commercial or Office type uses are proposed under the Conservation Overlay District the uses are limited to the following:
 - A. Retail and service establishments of the following types:
 - 1. Animal hospital or veterinary clinic.
 - 2. Antique shops.
 - 3. Art and school supply stores.
 - 4. Art galleries and studios.
 - 5. Bakeries.
 - 6. Barber and beauty shops, including manicurists.
 - 7. Book or stationery stores.
 - 8. Camera and photographic supply stores.
 - 9. Custom dressmaking and sewing shops.
 - 10. Dance studios.
 - 11. Eye glass shops.
 - 12. Fabric stores.
 - 13. Florist shops.
 - 14. Gift and card shops.
 - 15. Hobby shops and craft shops.
 - 16. Ice cream shops.
 - 17. Interior decorating shops.
 - 18. Jewelry stores.
 - 19. News and tobacco stores.
 - 20. Photography shops and studios.
 - 21. Radio and television repair shops.
 - 22. Sandwich shop.
 - 23. Shoe stores and shoe repair stores.
 - 24. Shopping centers, neighborhood.
 - 25. Small appliance repair shops.
 - 26. Tailor shops.
 - 27. Toy stores.
 - 28. Watch and clock repair shops.

B. Professional Offices

3.06.005 Required Report and Plans

Each overlay district submittal shall include a written report and a set of site plans prepared in accordance with the following guidelines:

- 1. Written Report- A written report shall be submitted which will explain the type, nature, size, intent, and characteristics of the proposed development. This report shall include, where applicable:
 - a. General description and location;
 - b. The physical and socio-economic reasons as to why the uses proposed in the overlay district would provide a better overall use of this property over the current zoning;
 - c. The proposed provision of the utilities, including water, sewer, and drainage facilities;
 - d. The proposed methods for protection of abutting properties;
 - e. The proposed densities and total number of acres or square footage for each allowable type of land use, including public facilities and common open space or recreational areas;

- f. The proposed maintenance and ownership agreements for any streets common open spaces not proposed for dedication to the City of Statham.
 - g. The proposed standards of development, including restriction on the use of the property, setback requirements and proposed restrictive covenants;
 - h. The names and mailing addresses of all adjoining property owners; and
 - i. Additional relevant data as may be required by the City of Statham.
2. Conceptual Site Plan- Prior to commencement and submittal of construction documents a detailed conceptual site plan prepared by a registered engineer, architect, land surveyor or landscape architect shall be submitted for review and approval for the overlay district. The required conceptual site plan shall include as a minimum the following information:
- a. a survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow and tie in point to a known location (road intersection/land lot corner, etc.)
 - b. topography with contour intervals no greater than 2 feet;
 - c. lakes, ponds, and floodplains and the sources of floodplain data;
 - d. proposed subdivision of the property, streets, ingress and egress to each building site, internal access and circulation (pedestrian, golf-cart, bicycle, and auto), off-street parking areas, and public facilities and open areas;
 - e. stormwater detention areas;
 - f. the proposed architectural style and orientation of all structures;
 - g. lot lines, sizes and setbacks; and proposed location, shape, size, and height of all structures; and
 - h. floor plans and elevations of all typical units.
 - i. the site plan shall indicate all areas to be set aside as preserved greenspace.

3.06.006 Review Process

All of the above identified requirements of the written report and conceptual site plan, as well as any other requirements of the zoning ordinance shall be reviewed and approved prior to the submittal of construction documents. Specific requirements of the conceptual review process are as follows:

The City of Statham shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application of the Conservation Overlay District on adjoining properties:

1. The existing land use pattern;
2. The possible creation of an isolated district unrelated to adjacent and nearby districts;
3. The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
4. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
5. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
6. Whether the proposed development will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
7. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
9. The extent to which the proposed development is consistent with the comprehensive plan;
10. The possible effect of the development on the character of a particular piece of property, neighborhood,

- a particular area, or the community;
11. The relation that the proposed development bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
 12. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

3.06.007 Appeals Process

Appeals from denial of submitted plans shall follow the process defined in Chapter 6.07 in the City of Statham's Zoning Ordinance.



Article 4 Supplemental Regulations Applying to All Districts

Chapter 4.01: Standards, Specification and Improvements

4.01.001

Purpose

The purpose of this chapter is to provide for uniform application of certain standards, specifications, and improvements as a condition of project approval and permit issuance for development permits, subdivisions, building permits, conditional use permits, or other permits issued by the City of Statham.

4.01.002

Curb, Gutter, and Drainage Requirements

All street frontages shall include either a curb and gutter or alternative drainage meeting the approval of the Zoning Administrator. If alternative drainage is utilized, the following is required:

- A. The drainage channel shall be grass, planting or other material as approved by the Zoning Administrator to prevent erosion and assist in drainage control.
- B. The drainage channel shall be considered part of the project improvements and shall be:
 1. Designed by a professional licensed in the State of Georgia to undertake drainage design and engineering prior to the recordation of any subdivision plat or associated metes and bounds deed, or issuance of any building permit, and
 2. All improvements shall be installed to the satisfaction of the Zoning Administrator prior to the issuance of a certificate of occupancy, use, or occupancy of the project.

4.01.003

Access to Public Streets.

Access to public streets shall be maintained in accordance to the following requirements:

- A. Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.
- B. Any additional use shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

4.01.004

Stormwater, Stormwater Detention, and Stormwater Retention

Adequate provision shall be made for the retention, detention, or discharge of stormwater, ground water, surface water, subsurface drainage, and roof runoff as required by the Zoning Administrator.

Chapter 4.02: Parking Regulations

4.02.001

Purpose

The purpose of this chapter is to establish standards for the development of parking facilities, access to private and public property, and ensure public health and safety with facilities which safely accommodate vehicles, bicycles, and pedestrians.

4.02.002

General

A. Applicability.

1. New Development. The off-street parking standards apply to any new development and to any new use established.
2. Expansions and Alterations. The off-street parking standards apply when an existing structure or use is expanded or enlarged. Additional off-street parking space shall be required only to serve the enlarged or expanded areas, not the entire building or use. The City may require increases in parking for non-conforming parking areas when found necessary to ensure adequate off-street parking.
3. Change or Use. Off-street parking shall be required for any change of use or change of operation that would result in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.

4.02.003

Off Street Parking

Within Statham, Georgia, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this ordinance.

A. General Requirements.

For the purpose of this Ordinance the following general requirements are specified:

1. The term "Off-Street Parking Space" means a space at least 9 feet wide and 20 feet in length with a minimum net area of 180 square feet, excluding area for egress and ingress and maneuverability of vehicles.
2. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of the principal use. The parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
3. The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.
4. Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, and unless equivalent parking space is provided to the satisfaction of the Zoning Administrator.
5. Off-Street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

B. Parking Space Requirements for All Zoning Districts

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal in or to at least the minimum requirements for the specific land use set forth. Note: Article 2 of this Zoning Ordinance may contain additional parking requirements.

Use Category	Specific Use	Number of Spaces Required
Residential		
Household Living	Single-family dwelling	2 per dwelling unit.
	Multi-dwelling structures	2 per dwelling unit plus 0.25 guest parking spaces per dwelling unit with a minimum of one guest parking space per structure
Group Living	Accessory dwelling	1 per accessory dwelling
	Organized group living	1 per 2 residents/staff members
	Assisted Living Center, Elderly Housing	1 per 2 beds as established in permit
Institutional		
Community Center		1 space for each five active members at time of application
Community Services (Civic Center, Library, Museum)		1 space for each 500 sq. ft. of gross floor area
Daycare Center		1 per 500 sq. ft.
Parks and Open Areas		See §4.02.003C
Religious Institutions		1 space for each 4 seats in the main auditorium or sanctuary.
Schools		1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators, whichever is greater, plus 5 spaces per classroom for high school and colleges.
Health Facilities:		
Kennels and Animal Hospitals		A parking area equal to 25 percent of the total enclosed or cover area.
Medical Clinic		
Commercial		
Indoor sales, service or display area		1 per 500 square feet
Outdoor sales, service or display area		1 per 750 square feet
Office	Medical	1 per 200 square feet

Use Category	Specific Use	Number of Spaces Required
Parking, Commercial	All Other Office	1 per 350 square feet
	Must meet design/landscaping Standards	N/A
Recreation and Entertainment, Outdoor		See §4.02.003C
Retail Sales and Service	Bank or Financial Service	1 per 250 square feet, plus stacking spaces per §4.02.006B.
	Car Wash	Stacking Spaces per §4.02.006B.
	Health Club	1 per 200 square feet
	Hotel, motel or other transient lodging	1 per guest room, plus required space for associated uses
	Restaurant	1 per 150 square feet of dining area
	Restaurant, Fast food	1 per 150 square feet of customer service and dining area, plus stacking space per 4.02.006B.
	Retail Sales and Service not specifically listed	1 per 350 square feet
Self-Service Storage	Design of the parking facility and landscaping is required.	If office areas are provided, parking must be established for the office use
Vehicle and Equipment Sales		Parking based on the sum of parking requirements for components
Vehicle Service		6 per bay
Video Sales/Rental		1 per 200 square feet
Industrial		
Industrial Services		Parking based on the sum of parking requirements for components
Indoor storage, warehouse, equipment service, manufacturing		1 per 2,500 sq. ft.
Manufacturing and Production		Parking based on the sum of parking requirements for components
Telemarketing, Teleservices		1 per employee per shift plus 15%
Warehouse and Freight Movement		Parking based on the sum of parking requirements for components
Waste-related use		See §4.02.003C
Wholesale Sales		See §4.02.003C

Use Category	Specific Use	Number of Spaces Required
Other		
Agriculture		None
Aviation, Surface Passenger Terminals		See §4.02.003C
Detention Facilities		See §4.02.003C
Telecommunications Facilities	Offices and studios	1 per 300 square feet
	Transmission facilities	1 space

C. Off-Street Parking for Land Uses With Unique Parking Requirements

Land uses which have widely varying parking demand characteristics, make it impossible to specify a single off-street parking standard. Uses found by the City of Statham to have unique parking requirements shall comply with the provisions of this subsection.

1. A developer proposing to develop or expand a land use with unique parking requirements shall submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study shall include:
 - a. Estimates of parking demand based on recommendations of the Institute of Transportation Engineers, or other acceptable estimates as approved by the Zoning Administrator, and should include other reliable data collected from uses, or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, or parameters of the use that may be estimated to have parking requirements. The study shall document the source of data used, and methods used to develop the recommendations. After reviewing the parking study, the Zoning Administrator shall establish a minimum off-street parking standard for the proposed use.
2. Appeals of the administrative decision may be made to the City of Statham in accordance with §6.07.

4.02.004

Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements:

D. Multiple Uses

Lots containing more than one use shall provide shared parking as specified in §4.02.005.

E. Fractions

When measurements of the number of required spaces result in fractions, any fraction of one-half or less will be disregarded and any fraction of more than one-half will be rounded upward to the next highest whole number.

F. Area Measurements

Unless otherwise specifically noted, all square footage-based parking and loading standards are to be computed on the basis of gross floor area.

G. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with this Chapter.

4.02.005**Shared Parking**

Two or more uses shall share parking facilities without providing the minimum number of on-site required spaces for each use, provided the following conditions are met:

- A. The minimum required number of parking spaces for the combined uses shall be reduced by 20 percent where hours of operation overlap and the uses within the businesses share general customer traffic.
- B. Off-site spaces shall be within 600 feet walking distance of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking lot.
- C. The parking facility to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being paved and striped according to the standards of this ordinance.
- D. The parking facility to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.
- E. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without approval of the Zoning Administrator.
- F. Parking spaces to be shared must not be reserved for a specific person, individual, or use on a twenty-four hour basis.
- G. Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
- H. Loading space shall not be shared.
- I. Any proposed change in the use of a structure that shares a parking facility will require proof that adequate parking is available.
- J. Off-site and shared parking may be used in combination to develop parking facilities, provided all the requirements of this section are met.

4.02.006 Stacking Space for Drive-through Facilities

- A. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:
 1. Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 2. Drive-through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
 3. Approach lanes for drive-through facilities shall have the following minimum widths:

One lane:.....	12 feet per lane
Two or more lanes:.....	10 feet per lane

4. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
5. Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
6. Each stacking space shall be a minimum of 10 feet by 20 feet.

B. The number of stacking spaces shall be provided as follows:

Activity Type	Minimum Stack	Measured From
Automated teller machine	3 per machine	Teller Machine
Bank teller lane	3 per lane	Teller or Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	1	Entrance
Convenience store drive-through	Prohibited	
Gasoline Pump Island	20 feet from each end of the pump island	
Restaurant, drive-through	6	Order Box. Stacking for at least 4 of the 6 vehicles shall be provided between the order box and pick-up window.
Other	Determined by the Zoning Administrator	

4.02.007

Parking Area Site Requirements

All off-street parking shall be laid out, constructed, and maintained according to the following requirements (except for residential lots in the residential zoning districts unless otherwise provided in Article 2). Off-street parking includes parking spaces or lots for customers and employees.

- A. All parking areas shall be hard surfaces with concrete or plant bituminous material and maintained in dustproof condition.
- B. Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets. If individual light posts are integrated into or mounted on an exposed concrete base, the exposed concrete base cannot exceed 6 inches in height.
- C. The parking area shall be adequately drained.
- D. No sign shall be placed within the public right-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.

4.02.008

Use of Required Parking Spaces

A. Use of Parking Areas

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the storage of vehicles, boats, recreational vehicles, mobile homes, or building materials.

B. Use of Parking Areas for Temporary Events and Sales

1. A portion of a parking lot that allows at least seventy-five percent of the remaining legal parking spaces to be used for parking in conformance with the standards of this chapter may be set aside for purposes of a temporary event, such as a "tent sale," "sidewalk/parking lot sale," or other permitted activity. These events may not exceed seven consecutive days in length and may not occur more than once each calendar quarter.
2. The property owner and operator of the licensed business at the location are jointly responsible for ensuring that events blocking parking lots do not result in unsafe traffic or circulation conditions and ensuring that there is adequate fire and emergency vehicle access. The Police Chief, Fire Chief or their designee may order the event canceled and removed without hearing or notice if found that the arrangement of the temporary event or sale interferes with safe flow of traffic or emergency vehicle access to a site.
3. The property owner, business licensed at the site, and entity responsible for the event are jointly responsible for ensuring there is adequate parking at the event site. The use of public right-of-way for event parking is prohibited. Parking arrangements may be made for use of adjoining or nearby parking areas with a 300 foot radius, but a copy of the agreements shall be in writing and filed with the Zoning Administrator at least 2 working days prior to the event.

C. Long-term Vendors Located in Parking Lots

1. Temporary long-term use of a parking lot for a vendor (for example but not limited to: Christmas trees, seasonal food sales) that will be located in the parking lot for more than seven consecutive days may be permitted by the Zoning Administrator provided that a copy of a written agreement for use of the parking area is submitted to the Zoning Administrator prior to the establishment of the use.
2. A site plan showing the location of the facility and an indication of the total number of existing spaces in the parking lot and parking to be removed by the vendor shall be submitted to the Zoning Administrator.
3. In no case shall a long-term vendor be permitted to remove more than five percent of the subject property's parking spaces from general usage.

Chapter 4.03: Off-Street Loading and Unloading Space

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

4.03.001

Size of Off-Street Loading Spaces

Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Zoning Administrator may reduce the minimum length accordingly to as little as 35 feet.

4.03.002

Connection to Street or Alley

Each required off-street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory ingress and egress for trucks.

4.03.003

Floor Area Over 10,000 Square Feet

Sufficient space for off-street loading and unloading must be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet of floor space or fraction thereof. Such space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

4.03.004

Floor Area Less than 10,000 Square Feet

Sufficient off-street loading space (not necessarily a full space if shared by adjacent establishments) must be provided for each commercial or industrial building requiring the receipt or distribution of materials for merchandise and having a floor area of less than 10,000 square feet. The space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

4.03.005

Location of Off-Street Loading Spaces

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when the loading spaces are shared with the use occupying said adjacent lot.

4.03.006

Permanent Reservation

Area reserved for off-street loading in accordance with this Ordinance must not be reduced or changed to any other use unless the permitted use that the off-street loading serves is discontinued or modified. However, equivalent loading space may be provided and approved by the Zoning Administrator.

Chapter 4.04: Curb Cuts and Vision

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

4.04.001

Curb Cuts

No curb cut shall be less than 9 feet nor greater than 30 feet in length unless the property will primarily serve tractor-trailer traffic. Single-family residential curb cuts shall not exceed 12 feet. Except in residential Zoning Districts, no curb cut shall be closer than 100 feet to another curb cut or access point. At street intersections, no curb cut or other access point shall be located closer to the intersection than is necessary to serve the property but in no case shall be closer than 50 feet from the intersecting point of the two street right-of-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

Adjacent properties are strongly encouraged to utilize shared parking arrangements as outlined in §4.02.005 in an effort to minimize curb cuts and impervious parking area.

A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access is authorized onto state-owned highway rights-of-way from abutting property.

4.04.002

Vision Clearance

In all Zoning Districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of 2½ and 10 feet from the ground level is permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroad lines, of a street intersection with a railroad line, or of curb cuts or driveways.

Chapter 4.05: Classification of Streets

All streets in Statham, Georgia, are divided into the following classes. See Chapter 1.03 “Streets” for diagram of street classifications.

4.05.001

Arterials

An arterial is a high-volume street that services no residences. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

4.05.002

Collector

As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector’s secondary function is to serve abutting land uses. A collector street may also accommodate public transit such as buses.

4.05.003

Subcollector

The subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the subcollector provides frontage and access to residential lots but also carries some through-traffic to lower-order (access) streets. The subcollector is a relatively low-volume street. Subcollectors usually serve more dwellings than an access street and carry a small volume of through-traffic to one or more access streets.

4.05.004

Access Roads

Sometimes called a place or lane, the access street is designed to conduct traffic between dwelling units and higher order streets. The access street usually carries no through-traffic and includes short streets, cul-de-sac, and courts. Access streets are noteworthy for their complete lack of through-traffic and for the fact that they serve only a few dwelling units.

Chapter 4.06: Storage and Parking of Recreational Vehicle, Trailers, and other Vehicles

4.06.001

Storage and Parking of Recreational Vehicle, Trailers, and other Vehicles

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot or parcel in any zoning district except in accordance with the following requirements:

- A. No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products is permitted.
- B. Recreational vehicles, hauling trailers, or boat trailers are permitted if parked or stored behind the front yard building line.
- C. A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area except as otherwise stated in this Ordinance.
- D. In all residentially zoned districts it is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, commercial vehicles (except those on a service call), or any other miscellaneous scrap or salvageable material in quantity. For the purposes of this subsection, an abandoned vehicle is a vehicle without current state license.
- E. No automobile, recreational vehicle, trailer, or other vehicle offered for sale shall be parked in the right-of-way.

Chapter 4.07: Buffer Areas

4.07.001

Buffer Areas

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in §2.03.002.

- A. In the commercial districts, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The bottom of the fence must be no higher than four (4) inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, the fence height must be achieved by the installation of one continuous eight (8) foot, or greater, board. The City of Statham shall, based on the character of the area, determine whether the applicant must install the solid wall, solid fence, or tight evergreen hedge.
- B. In any Zoning District not subject to the requirements of §4.07 but requiring screening of a specified operation, said screening shall be a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The tight evergreen hedge shall grow to at least eight (8) feet in height within five (5) years. There shall be a perimeter landscape strip at least twenty (20) feet wide, unless otherwise specified, that conforms to the planting requirements of §4.08. All buffer area requirements are in addition to the area, yard, and height requirements for that Zoning District (§2.03.002). Prior to any site construction or grading, the Zoning Administrator must approve a landscaping plan prepared pursuant to §4.08.

C. Any grading, improvement or construction adjacent to the buffer must not disturb or encroach on the buffer area.

Chapter 4.08: Landscaping

These standards for the landscaping of development within the City are intended to ensure the continued attractiveness and character of the City. The standards in this section shall apply to all public and private development, new construction, exterior remodeling, or enlargement of buildings and structures, unless otherwise specifically stated.

4.08.001

Exemptions

The following are exempt from the standards of this section:

- A. Agriculture structures and agricultural uses in the agricultural districts;
- B. Minor improvements or repairs to existing development that do not result in an increase in floor area; major facade renovations may generate a landscaping requirement;
- C. Detached single-family dwellings on individual lots, unless required to install landscaping as a condition of project approval;
- D. Accessory dwelling units.

4.08.002

Required Landscaping

Required landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings, and all other portions of the property not specifically utilized for driveways, parking, loading, or other functions for which landscaping may not be practical as determined by the Zoning Administrator.

Landscaping shall be utilized for such purposes including, but not limited to:

- A. Establishing a visual separation or screen of parking areas from the public right-of-way;
- B. Providing a separation of pedestrian and service areas;
- C. Providing a separation where the lot or parcel opposite to the boundary of the proposed development is residentially zoned;
- D. Providing a vertical transition from the grounds to the building;
- E. Maintaining and enhancing natural drainage patterns; and
- F. Maintaining the small town character of Statham through the aesthetics of landscaping as Statham continues to grow.

4.08.003

Landscaping Rights-of-way

All public rights-of-way and private road rights-of-way or access easements shall provide a planted landscaped strip to City specifications. The species and size of street trees shall be approved by the Zoning Administrator. Plantings within the right-of-way may count towards meeting the landscape requirements of this Chapter.

4.08.004

Landscaping for Lots Which are Partially Developed

At the discretion of the Zoning Administrator, projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property. If any portion of the undeveloped area of the lot fronts a public right-of-way, standard improvements such as curb, gutter, sidewalk, and installation of street trees and other appropriate landscaping shall be required at the time of development.

4.08.005

Landscaping when Expansion or Additional Development Occurs

If a parcel with existing development is proposed for additional development, the Zoning Administrator has the discretion to review the landscaping installed on the entire property and may require improvements to be installed to conform with other provisions of this Section.

4.08.006

Waiver of Landscaping Standards for Small Industrial and Commercial Lots

Waiver for a site being developed with commercial uses that is less than 20,000 square feet: In cases where required landscaping plant units, parking lot landscaping, and parking lot borders consume more than 20 percent of the proposed development site, the Zoning Administrator may exercise discretion regarding the width or location of landscape borders. In such cases, the developer may be required to add additional plant material to remaining landscape borders or elsewhere on the site in order to meet the purpose of this section.

4.08.007

Landscaping Required for Interior Remodeling that Results in a Change of Use

When a structure's use is changed to a use other than single-family, although there is no change in exterior appearance, the applicant shall conform with the landscaping requirements of this Chapter.

4.08.008

Landscaping Objectives

Landscaping regulations are intended to provide for two options. If a property owner desires to create a landscaping plan that meets the needs of the individual project, the plan may be prepared pursuant to this section and is classified as a "performance" landscaping plan.

A. Landscaping is a community enhancement

Landscaping is intended to enhance the aesthetics of development within the City. Each development has unique characteristics based on location, land use, or physical site features.

Project proponents may utilize the performance standards in this section in preparing professional quality landscape plans for review and approval by the Zoning Administrator in association with overall site development. Proponents not desiring to utilize the flexibility and creative opportunities in this section shall utilize the prescribed standards of this section.

B. Landscaping Performance Objectives

In addition to the purposes of this Chapter, performance landscape plans shall, as determined by the City of Statham, meet the following objectives:

1. Provide a transitional landscape area between the public right-of-way and the parking areas: Landscaping shall be used to provide a screening of vehicles in a parking lot from the ground to approximately 36 to 42 inches in height.

2. Establish a separation and transition from parking to the building through a gradual increase in elevation of landscaping from the parking area to the building height: plant materials may be a mixture of heights and shapes but designed to bring an appearance of reducing the height of a structure when viewed from the road or neighboring properties, as determined by the Zoning Administrator.
- C. Enhance or Develop Pedestrian-oriented Spaces and Creation of Usable Outdoor Spaces
1. Ensure that service areas are enclosed and landscaping utilized to transition from the parking area: Landscaping or decorative materials used to screen service areas in a combination of concepts, including and not limited to shrubs of similar height to the walls, the design of walls as planters, climbing vines, or other treatment that will break up the appearance of walls.
 2. Provide a balance between the overall appearance of the landscaping as a part of a planned site and the buildings on the site. The City's objective is to ensure that the site has dense landscaping in terms of the land area dedicated to landscaping and in vertical elevation of landscaping.
 3. Any flexibility to be applied by the City of Statham shall be based on achieving an attractive site with installations of landscaping that are designed to complement and enhance the site development.
- D. Submission of Performance Landscape Plans
1. Performance Landscaping Plans shall be of adequate size and detail so that the City of Statham can see the land area to be planted and the appearance of plantings at the time of installation, at five years healthy growth, and at ten years healthy growth.
 2. Performance landscaping site plans and elevations shall be drawn in a professional manner with credible representations of drip lines, plant growth diameters, and plant sizes. The City of Statham shall not require that plans and elevations be prepared by a licensed professional, but the Council may reject plans which do not accurately depict the site landscaping proposal in suitable detail for it to make a decision.
 3. Performance landscaping plans shall be accompanied by a planting schedule that identifies both the common and scientific name of each species. The schedule shall include the size at planting, the size a five years of growth, and ten years of growth if the proposed plants are different than the adopted plant schedule.

4.08.009

Prescriptive Landscaping Standards

A. Calculating Plant Units

Development must have the following minimum plant units:

1. For development within the residential zones: a minimum of 60 plant units is required for each dwelling unit.
2. For development within the commercial and industrial zones: a minimum of 10 plant units for each one thousand square feet, or fraction thereof, of gross land area.
3. For development within the office-institutional zone: a minimum of 30 plant units for each one thousand square feet, or fraction thereof, of gross land area.

B. Plant Unit Values

Plant Material		Plant Units
Trees (must comprise 67% of plant units)	Large Deciduous - 5 year height of > 15'; 10 year height of > 25'	8 - 10

Plant Material		Plant Units
	Small Deciduous or Ornamental (5 year height < 10'; 10 year height > 15')	6 - 8
	Trees planted in clump of three or more trees, with a combined dripline >10 feet at five years	15 - 18/clump
Shrubs	Over 5 feet tall at three years after planting	5
	Less than 5 feet tall at three years after planting	3
Groundcover (per 1,000 square feet)	Grass	2
	Other planted groundcover	2
	Decorative rock, mulch, or similar material as an accent	0.5
	Plant bed (flowers, herbs, and similar plant materials), >75% density of plant area in the bed	6
Amenities	Unique individual landscape features, such as public art, watercourses, or benches incorporated into an overall plan	Subject to review and discretion of Zoning Administrator

C. Bonus Points

Bonus points may be earned towards the total landscaping requirement by using plants which fall into the following categories. Each plant unit is only subject to one bonus multiplier.

Planting Characteristics	Multiplier
Xeriscaping: The use of native plant species and other species which are uniquely attuned to the local climate and require little to no artificial maintenance (irrigation, fertilizer). Requires plans to be prepared by a licensed landscape professional.	2.0 - 4.0
Mature Landscaping: The use of landscaping which is considered substantially more mature than the required minimums.	1.0 - 3.0
Existing Plant Material: Incorporation of existing landscape features into the final landscape plan. Designated existing landscaping features to be preserved shall also be protected at the dripline during construction as is shown on Figure 4.1.	1.0 - 3.0
Natural Drainage Features: Utilization of landscaping plantings and design to encourage and maintain natural drainage systems.	See Performance Landscape Plan
Plans prepared by a licensed landscape architect or licensed landscape contractor: Professionally prepared plans for the total landscape area and professional installation.	1.2
Functional planned site amenities: Landscaping themes or areas that are designed for site use, such as a combination of benches, fountains, public art, outdoor dining,	1.0 - 3.0

Planting Characteristics	Multiplier
outdoor living areas.	

4.08.010**Landscape Material Standards**

Plants shall be nursery-grown and adapted to the local climate.

- A. When more than ten trees are required to meet the standards of this Chapter, a mix of species shall be planted. In order to promote diversity in the urban landscape, the minimum number of species to be planted shall vary according to the overall number of trees required. Street trees within the right-of-way are intended to be of a uniform species and are not subject to the provisions of this subsection. In addition to the diversity of species, the City of Statham may require diversity of shapes and sizes as a part of the landscape plan. If a landscape proposal is submitted in which a cohesive element of the landscaping design proposes a uniform species as a part of a unique landscape plan, the Zoning Administrator may waive the species diversity requirement.

Species Diversity	
Required Number of Trees	Minimum Number of Species
11- 20	2
21 - 30	3
31 -40	4
41+	5

B. Groundcover

The ground area within required landscape areas shall have appropriate planted landscape treatment applied and present a finished appearance and reasonably complete coverage upon planting.

- C. No artificial plants or artificial vegetation shall be used to meet any standards of this Chapter.

4.08.011**Installation, Replacement, Occupancy****Accepted Practices Required**

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and healthy growth. All landscape material, living and non-living, shall be in place prior to the issuance of the final Certificate of Occupancy. Living materials shall be in a healthy condition.

A. Protection of Existing Trees During Construction

Any trees identified or approved for preservation by the Zoning Administrator shall be protected utilizing accepted techniques for protection including and not limited to those shown in Figure 4.1.

B. Replacement of Dead, Diseased, or Dying Vegetation

The Zoning Administrator may require that landscaping be replaced in-kind if vegetation becomes dead, diseased, or dying. In the event of blight or species-specific diseases, substitution of plants shall be approved by the Zoning Administrator.

C. Temporary Occupancy Requirements

Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety.

1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this Section prior to the initiation of any use or any occupancy of the facility, structure, or grounds.
2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued (drought, flooding, etc.). Financial or similar issues shall not constitute extenuating circumstances for the purposes of this Section.
3. Financial surety shall be equal to 110% of the estimated cost of the plant material, labor, and installation, and other materials.
 - a. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the City of Statham by the developer. If the City of Statham finds that the cost estimates are not generally within accepted standards for estimating the costs of landscaping installation, the mayor shall require that surety be based on accepted estimating practices.
 - b. Each estimate shall be guaranteed valid at the maturity of the surety instrument.
 - c. An irrevocable letter of credit, cash deposit, certificate of deposit endorsed in favor of the City, performance bond issued by a bonding company with an investment grade rating by Moody or Standard and Poor, or savings account passbook issued in favor of the City shall be acceptable forms of surety.

4. Automatic Irrigation Required

All landscaping installations shall be required to incorporate an automatic underground irrigation system. Irrigation system shall be approved by the Zoning Administrator.

4.08.012

Landscaping Features are a Part of the Overall Approval

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, heirs, successors in interest, lessees, or agent, shall be jointly and severally responsible for installation, maintenance, and upkeep as specified.

4.08.013

Maintenance and Upkeep of Landscaping

- A. Landscaping to be maintained in a vigorous and healthy condition**
1. Regular maintenance of all landscaping to present a healthy, neat and orderly appearance shall be required.
 2. All landscaping shall be maintained free from disease, pests, weeds, and litter.
 3. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance as needed and in accordance with acceptable horticultural practices.

B. Repair and Replacement of Landscaping

1. Required landscape structures (examples include but are not limited to walls, fences, curbs, planters) shall be maintained in a structurally sound and aesthetically pleasing condition.
2. The regular maintenance, repair, or replacement of any landscaping irrigation systems is required.
3. Continuous maintenance of the site as a whole is required.
4. All trees, shrubs, groundcover, and other plant materials must be replaced during the next suitable planting period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

4.08.014

Parking Lot Landscaping

Parking lot landscaping standards of this section establish minimum landscaping requirements for the perimeter and interior of off-street parking areas. The general purpose of such landscaping is to reduce the visual impact of parking and pavement. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.

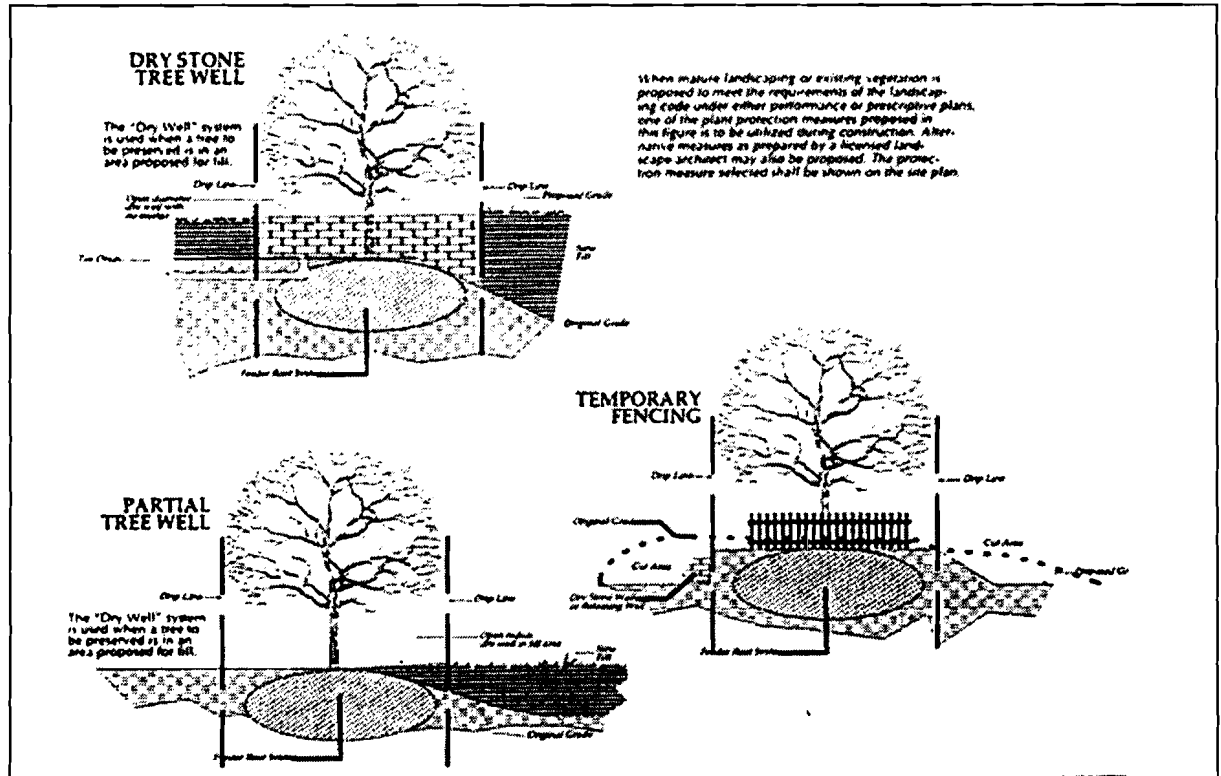
A. Perimeter Parking Lot Landscaping

The parking lot perimeter landscaping requirements apply to all off-street parking lots that are not otherwise fully screened from view of adjacent public right-of-way. When a lot is located adjacent to a public right-of-way, alternatives should be considered to reduce the visual impact of the parking lot. Some alternatives are:

1. Use of Landscape Perimeter Borders: Required landscape borders shall be dedicated solely for open space and landscaping. No structures or paving shall be located within the border area, with the exception of walls, walkways or other features incorporated into the landscaping.
2. Perimeter Landscape Border Options: Any of the following types of perimeter landscape border detailed in the below chart may be used to satisfy Parking Lot Border Landscaping requirements of this section.
 - a. Maximum: The maximum distance a parking lot spans (length or width) from the property line.
3. Minimum Number of Plant Units: The minimum number of plant units to be located within the parking perimeter border shall be in addition to the requirements for the square footage of the lot. The number of units shall be calculated based upon the basic perimeter of the parking area.

4. Additional Features: Some border types require additional features as integral elements of the screening. These features shall be illustrated on the final revised and approved site plan and installed on the site.
- B. Parking Lot Interior Landscaping Requirements
- The Parking Lot Interior Landscaping requirements apply to the interior of all off-street parking lots that contain five or more parking spaces. Interior Planting Areas are required within all parking lots as specified in the subsection.
1. At least 10 square feet of landscape planting area shall be provided within the interior of all off-street parking area for each parking space contained within the area. For parking areas with more than 20 total parking stalls in a double-loaded aisle, a ten foot wide landscaped island shall run the length of the aisle. This island shall be required for each such aisle.
 2. Landscaping located on the interior of parking areas shall be dispersed throughout the area. All planting areas shall be protected to prevent damage by vehicles and vehicle overhang.
 3. The size of planting areas used to satisfy Parking Lot Interior Landscaping requirements shall be sufficient to protect plant materials and ensure proper growth and maintenance.

Off-Street Perimeter Parking Lot Landscaping Screening Requirements



Type	Maximum Distance from Any Property	Minimum Border Width ^s	Minimum Plant Units per 27 feet of	Minimum Required Site Features
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	Line Across Paved Parking Area ⁷		perimeter parking area ⁹	
A	applies to any parking ¹⁰	25	10	—
B	150 ⁴	10	20	—
C	100 ⁴	8	15	24" - 30" berm ¹¹
D	100 ⁴	5	10	3 ft. wall ¹²
E	Type E Border provides an Alternative Plan option to provide flexibility and the opportunity for creativity. The Alternative Plan shall accomplish the purpose of this border Section and meet or exceed the requirements in this section to the satisfaction of the Mayor and Council.			

- C. Parking lot Landscaping Requirements when More than the maximum number of parking space is approved
1. When the parking space in excess of the defined maximum in Chapter 4.07 is approved, the minimum interior lot landscaping requirements shall be increased to 12.5 square feet of landscaping for each parking space.
 2. All aisles shall have landscaped areas at each end of the aisle.
 3. Landscaped medians at least ten feet in width shall be required for aisles that align with street access.

⁷Maximum Distance: The greatest depth of the parking lot as measured from the front yard property line and the greatest width of the parking lot as measured from adjacent side yard property lines.

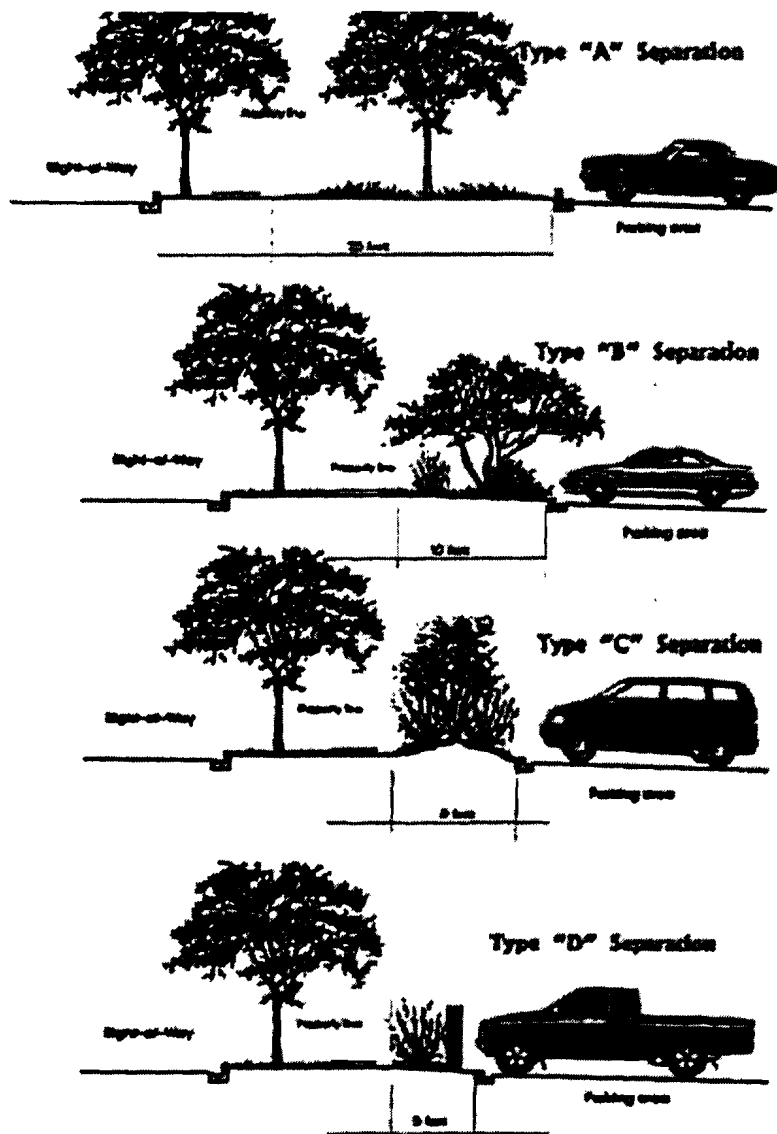
⁸Minimum Width of the Border: The minimum width of the border shall be in addition to the required setbacks. A parking perimeter border shall be required between the parking areas and the property line and does not apply between the parking area and interior structures or areas.

⁹Minimum Number of Plant Units: The minimum number of plant units to be located within the parking perimeter border shall be in addition to the requirements for the square footage of the lot. The number of units shall be calculated based upon the perimeter of the parking area.

¹⁰Type A parking borders may be used on any parking lot. If the depth of the parking lot measured from the property line is more than 150 feet, Type A parking border shall be required. If the depth is from 100 to 150 feet, a Type A or Type B border shall be required. If the depth is less than 100 feet, Type A, B, C, or D border shall be required. The applicant may select the optional border. Depending on site design, a single site may have more than one landscape parking border type.

¹¹Landscaping is required on the berm.

¹²On property line fronting a public or private road as required by the Mayor and Council. Landscaping is required in between the wall and right-of-way.



4.08.015

Screening of Service Areas**A. Waste Disposal Receptacles**

1. Waste disposal receptacle located in all commercial and government zones shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet or one foot taller than the receptacle, whichever is greater.
2. The enclosure shall be compatible in material and color with the primary structure on the lot if located within 20 feet of the building. If located beyond 20 feet from any structure, the enclosure should be designed to minimize the visual impact and blend in with surrounding landscaping.
3. Waste disposal receptacles shall be consolidated to reasonably minimize the number of collection sites and to equalize the distance from the buildings they serve.
 - a. Waste disposal receptacles shall be located out of the public view insofar as is practical.
 - b. Waste disposal receptacles shall be located to avoid causing excessive nuisance or offense to other buildings or adjoining properties.

B. Loading Docks, Storage Areas

Loading docks, storage of materials or vehicles, and other service areas shall be screened from public view. Screening may include plant materials, fencing, walls, or a combination as approved by the Zoning Administrator.

4.08.016

Landscaping in the Public Right-of-way Between the Edge of Pavement and the Property Line

Property owners shall be responsible for maintaining landscaping within the public right-of-way along the entire frontage of the property unless otherwise determined by the City of Statham.

A. No conversion of right-of-way landscaping to any other use or surface material shall be permitted without the written permission of the City of Statham.

B. Landscaping and any other surface material located within the right-of-way between the edge of the traveled way and the property shall not be used for the storage, sale, display, or merchandise.

Chapter 4.09: Outdoor Lighting

4.09.001

Purpose

The purpose of the proposed amendments is to provide more specific guidelines for site plan applications and standards in regard to lighting, in order to maximize the effectiveness of site lighting, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

4.09.002

Applicability

Except as provided in §4.09.005, this Chapter shall apply to each outdoor luminaire installed or replaced after the date of adoption of these regulations which is:

A. Located on property within a commercial or industrial zoning district and is equipped with a lamp which emits three thousand (3,000) or more initial lumens; or

B. Located on property within a residential zoning district or agricultural zoning district and is equipped with a high intensity discharge lamp, regardless of its initial lumens.

4.09.003

Standards

All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines and disability glare at any location on or off the property. The “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North American shall be observed.

A. All parking area lighting will be full cut-off type fixtures.

B. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable, provided they meet the requirements of the Statham Sign Ordinance.

- C. All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent:

1. Disability glare for drivers or pedestrians,
2. Light trespass beyond the property line, and
3. Light above a 90 degree, horizontal plane.

Wallpack type fixtures are not acceptable.

- D. Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

- E. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. Non-essential shall apply to display, aesthetic, parking and sign lighting.

4.09.004

Modification, Waiver, or Variation

A modification, waiver or variance from the standard set forth in §4.09.003 may be granted by the Zoning Administrator, as provided herein:

- A. The Zoning Administrator may modify, waive or vary the standard set forth in §4.09.003 in a particular case, and the City of Statham may impose conditions on such a modification, waiver or variance which it deems appropriate to further the purposes of these outdoor lighting regulations, in either of the following circumstances:
1. Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public interest, or that the alternative proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
 2. Upon finding that an outdoor luminaire, or system of outdoor luminaries, required for a baseball, softball, football or soccer field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of field and activity or other evidence if a recommended practice is not applicable.

4.09.005

Exempt Outdoor Lighting and Related Acts

The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:

- A. Lighting which is not subject to this chapter by state or federal law.
- B. Construction, agricultural, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.
- C. Lighting of the United States of America flag, State of Georgia flag, and other non-commercial flags expressing constitutionally protected speech.
- D. Security lighting controlled by sensors which provides illumination for fifteen (15) minutes or less.
- E. The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the date of adoption this chapter.
- F. The replacement of a failed or damaged luminaire which is one of a matching group serving a common purpose.

Chapter 4.10: Individual Manufactured Homes

4.10.001

Individual Mobile Homes or Individual Manufactured Homes

Individual mobile or manufactured homes not meeting the definition of “Manufactured Home, Class A”, shall comply with the following and other applicable sections of this ordinance.

A. Limitations

No mobile home, as defined in this ordinance, is permitted to be moved to Satham for use as a residential dwelling.

B. Building and Occupancy Permits

Building and Occupancy Permits issued by the Satham Zoning Administrator or his/her authorized agent are required for any mobile or manufactured home:

1. which is hereafter located to Satham;
2. which is moved from one location to a second location within the city where that manufactured housing unit will house persons or property;
3. which has not been occupied within the preceding twelve (12) months;
4. where there is a change in use of the manufactured housing unit; or
5. if the mobile or manufactured home is added to or structurally altered 100 sq. ft. or more.

A building permit shall not be issued for a mobile home containing aluminum wiring.

Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a mobile or manufactured home in Satham.

All mobile and manufactured homes must be registered with the Barrow County Tax Commissioner and approval of the septic system by the Barrow County Health Department must be obtained before an Occupancy Permit can be issued.

Prior to issuing an Occupancy Permit it is unlawful to occupy or otherwise use as a residence a mobile or manufactured home in Satham.

C. Application Requirements for Building and Occupancy Permits for Mobile or Manufactured Homes

An application for permits for location and occupancy of a mobile or manufactured home is required to be filed by the owner or the owner's agent in the office of the Satham Zoning Administrator before a Building or Occupancy Permit is issued.

The permit application shall describe the mobile or manufactured home as to size, dimension, year, model, the Zoning District and tax map and parcel number of the planned location of the mobile or manufactured home, the intended use of the mobile or manufactured home, the name of the owner and the name of the intended occupants, and the source of water and type of waste disposal system.

If the intended use of the mobile or manufactured home is as an accessory use, hardship use or farm caretaker, then details of such proposed use shall be provided by the applicant.

Placement of the mobile or manufactured home shall comply with Article 2 of this Zoning Ordinance.

D. Temporary Usage

A manufactured home may be used as an office in a subdivision, by a contractor during construction or development, as a temporary residence during construction of a permanent residence, or as a temporary residence during the reconstruction of a permanent residence which has been destroyed by fire, natural disaster or condemnation. All of the above uses must be requested in writing, be for a period not to exceed twelve (12) months, and have written approval of the Zoning Administrator. The Zoning Administrator may extend the twelve (12) month period one time where necessary for up to an additional twelve (12) month period.

E. Accessory Buildings

A mobile or manufactured home may not be used as an accessory building.

Chapter 4.11: Manufactured Home Installation

4.11.001

Installation

All manufactured homes, located to or moved within Statham, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by *O.C.G.A.* §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Safety Fire Commissioner. (See *O.C.G.A.* §8-2-160 et seq.) Any such manufactured homes must meet the definition of Manufactured Home, Class A.

Manufactured homes must comply with the requirements of the Zoning District in which they are placed.

No manufactured home shall be located within thirty (30) feet of any permanent building.

Mobile and manufactured homes shall:

(1) be provided with prefabricated or permanent stairs and landing, constructed of pressure treated lumber, masonry or metal sufficient to provide safe ingress and egress from two (2) exterior doors of the unit. Individual landings shall meet Statham building codes; and, be underpinned with skirting material of masonry construction. All manufactured homes must be attached to a permanent foundation with underpinning of brick or masonry construction and meet all other applicable state and city statutes, regulations and ordinances. However, for manufactured homes, load bearing masonry curtain walls shall not be required (although curtain walls may be required for aesthetic purposes), and non-load bearing curtain walls for manufactured homes shall not have contact with the manufactured home for the purpose of structural support, although non-load bearing curtain walls may be attached to the manufactured

home for aesthetic purposes and not for structural support. See Georgia Rules and Regulations Section 120-3-7-.14, as may hereinafter be amended.

The manufactured home unit must be fitted with a masonry curtain wall that completely encloses the undercarriage, a vapor barrier must be installed by the dealer or installer, the soil must be treated for termites, and the unit must be connected to water and sewerage in compliance with the applicable ordinance of Statham.

- A. All manufactured homes shall have an original shingle roof or an original roof made out of roofing material composed of other appropriate substances which are nonmetallic.
- B. All manufactured homes shall have original wood or original wood-type siding. Metallic siding is not permitted.
- C. All manufactured homes shall be located on a permanent foundation.
- D. No manufactured home shall be allowed to be occupied in Statham, Georgia, unless it bears an insignia issued by the United States Department of Housing and Urban Development.
- E. Placement of the manufactured home shall comply with Article 2 of this Zoning Ordinance.

4.11.002

Penalties for Improper Installation

Failure by the owner of a manufactured home to obtain and utilize tiedowns and anchors for his manufactured home or modular home placed in Statham, Georgia, after the effective date of this ordinance shall constitute a misdemeanor, punishable in the Barrow County Superior Court.

4.11.003

Non-conformance

Any manufactured home which does not meet the requirements in the above paragraphs shall be removed after receipt of notice from the Zoning Administrator of its non-conformance.

Chapter 4.12: Accessory and Temporary Buildings

4.12.001 Accessory Buildings

The location of accessory buildings and uses must meet the following requirements:

- A. All accessory building, structures, and uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
- B. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore meet requirements applicable to the main building.
- C. No accessory building shall be utilized unless the principal structure is also occupied.
- D. In the R1, R1M, R2 and R3 zoning districts, a detached accessory structure cannot exceed the height of the principal building nor cover more than 10 percent of the lot. In the C1, CH and C2 zoning districts, a detached accessory structure cannot exceed the height of the principal building nor cover more than 30 percent of the lot. A detached accessory building in all other zoning districts shall not cover more than 30 percent of the lot nor exceed a height that will insure adequate fire protection.
- E. No detached accessory building maybe located on the front yard of a lot.

- F. Manufactured homes shall not be used as accessory building in any residential zoning district.
- G. No storage trailer shall be used as a temporary or accessory structure.

4.12.002

Temporary Buildings

Temporary buildings used in conjunction with construction work only may be permitted in any non-residential Zoning District provided that no temporary building shall be used for a residential purpose and the building shall be removed immediately upon completion of construction.

Chapter 4.13: Home Occupation

4.13.001

Home Occupation

The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to: ensure the compatibility of home occupations with other uses permitted in the applicable Zoning Districts; maintain and preserve the character of residential neighborhoods; and provide peace, quiet, and domestic tranquility within all residential neighborhoods within the Zoning District, in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effect of commercial uses being conducted in this Zoning District. Residential home occupations, where permitted, must meet the following special requirements:

- A. A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than 10 percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.
- B. No more than one (1) home occupation shall be permitted within a single dwelling unit.
- C. A home occupation shall be carried on wholly within the principal use. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached.
- D. No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
- E. A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure.
- F. A home occupation which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors, or other circumstances is not be permitted.
- G. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a front yard.
- H. On the premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.
- I. There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.
- J. No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted at any home. No business vehicles larger than a van, panel truck, or pick-

up truck is permitted to park overnight on the premises. The number of business related vehicles is limited to 1.

K. Permitted residential home occupations:

1. Architectural services
2. Art Studio
3. Beauty Shop
4. Consulting Services
5. Data Processing
6. Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife)
7. Drafting and graphic services
8. Dressmaking, sewing, tailoring, contract sewing (1 machine)
9. Electronic assembly
10. Engineering service
11. Financial planning or investment services
12. Flower arranging
13. House cleaning service
14. Insurance sales or broker
15. Interior design
16. Locksmith
17. Real estate sales or broker
18. Tutoring
19. Writing, computer programming
20. Other similar uses as approved by the City of Statham.
21. Food preparation for delivery or off premise sale; not withstanding Subsection H On-Premises Sales are not permitted.

L. Prohibited residential home occupations:

1. Ambulance service
2. Appliance repair
3. Automobile repair, parts sales, upholstery, or detailing, washing service (including businesses working at customer's home)
4. Boarding house
5. Carpentry, cabinet makers
6. Contracting, masonry, plumbing, or painting
7. Medical or dental office (nor any practice of physical or medical application, including chiropractors)
8. Restaurants
9. Tow truck services
10. Veterinary uses (including care, grooming or boarding)

Chapter 4.14: Gas Stations

Within the Zoning Districts permitting gasoline service stations, the following requirements shall apply:

4.14.001

Location

The property on which a gasoline service station is located shall not be within one hundred (100) feet of any residential Zoning District, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

4.14.002

Site Requirements

A service station shall have a minimum frontage on the primary street of one hundred (100) feet and a minimum area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

4.14.003

Access to Site

Vehicular entrances or exits at a gasoline service station:

- A. Shall not be provided with more than two curb cuts for the first one hundred (100) feet of street frontage or fraction thereof.
- B. Shall contain an access width along the curb line of the street of not more than thirty (30) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty-five (25) feet from the intersecting point of the two streets rights-of-way or ten (10) feet to the adjoining property.
- C. Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

4.14.004

Gasoline Pump Islands

All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty (30) feet from the right-of-way line; however, the pump island shall be at least sixty (60) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

4.14.005

Off-Street Parking

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.

4.14.006

Other Site Improvements

In addition to the above requirements, the following additional site improvements shall be adhered to:

- A. A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
- B. A transitional buffer is required between dissimilar districts or uses. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings as may be required. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective

visual screen. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements or as authorized as a condition of zoning. In situations where the required buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission, etc.) the screening requirements of this Ordinance shall be met outside of the easement area.

- C. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.
- D. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- E. All drives, parking, storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

4.14.007

Storage of Inflammable Products

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any service station. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sales of propane gas shall be permitted.

Chapter 4.15: Bed and Breakfast

4.15.001

Bed and Breakfast

The acceptance of paying guests shall be an accessory use to the dwelling unit;

- A. The only uses permitted shall be the renting of rooms and the serving of foods to guests renting said rooms (accessory uses commonly associated with hotels and motels, i.e. laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);
- B. All parking shall be off-street; and
- C. one (1) wall sign, not exceeding one (1) sq.ft. in area, motionless, non-lighted, shall be permitted. No other signs shall be permitted on the premises.
- D. The operator of the Bed and Breakfast must live on the premises.

Chapter 4.16: Outdoor Storage Yard

4.16.001

Outdoor Storage Yards

The storage yard must not be located within a required front yard.

- A. The storage yard must be setback at least twenty-five (25) feet from any side or rear property lines and shall be screened by a solid fence of material commonly manufactured for fencing, at least eight (8) feet high which is setback a similar distance from any side or rear property lines, appropriately landscaped and maintained.
- B. If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.

Chapter 4.17: Club

4.17.001

Club

The buildings are placed not less than fifty (50) feet from any property line;

- A. Unless located adjacent to a residential district, there shall be a planted buffer area ten (10) feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.
- B. A complete development sketch must be submitted with the application.
- C. Adequate paved and lined off-street parking must be provided.

Chapter 4.18: Non-operating Vehicles

4.18.001

Non-Operating Vehicles

All vehicles not in operating condition must be parked in the rear yard, carport, or garage.

- A. All automobile parts must be stored within a garage or enclosed building.

Chapter 4.19: Satellite Dish Antenna

4.19.001

Satellite Dish Antenna

Thirteen foot diameter or larger satellite antenna dish must be located behind the rear building line and outside the side yard setback.

- A. Eighteen inch or smaller satellite antenna dish shall not be located on the dwelling's front yard wall or on any front yard roof plane. Dish antennas may be located on either a backyard roof plane, backyard dwelling wall, or side yard dwelling wall.
- B. If a dish cannot be located as per §§4.20.001A and B to receive adequate signal, said dish may be located as necessary on the dish owner's property to facilitate adequate reception.

Chapter 4.20: Towers

4.20.001

Transmission Towers

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

- A. Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- C. FAA shall mean the Federal Aviation Administration.
- D. FCC shall mean the Federal Communications Commission.
- E. Preexisting towers and antennas shall have the meaning set forth in §4.20.002D of this ordinance.

- F. Height shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- G. Public officer shall be defined as in §41-2-8 of the Official Code of Georgia Annotated.
- H. Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

4.20.002

Applicability

Zoning District Height Limitations

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each Zoning District. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

A. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

B. Amateur Radio; Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

C. Pre-existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of §4.20.003E and F. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas."

4.20.003

General Guidelines and Requirements

Purpose: Goals:

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (i) encourage the location of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

A. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with Zoning District development regulations including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the

dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Inventory of Existing Sites

Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing towers that are either within the City of Statham or within one-quarter mile of the city limits, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

C. Aesthetics; Lighting

The guidelines set forth in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however that the governing authority may waive these requirements if it determines that the goals of this ordinance are better served thereby.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipments must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternative and approve the design that would cause the least disturbance to the surrounding views.

D. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in §§ 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated.

E. Building Codes; Safety Standards

To ensure the structural integrity of tower, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries

Association, as amended from time to time. If, upon inspection, the Statham Zoning Administrator concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within said thirty (30) days. Upon the owner's failure to do so, the city may remove such tower at the owner's expense. Any such removal by the city shall be in the manner provided in §§ 41-2-8 through 41-2-17 of the Official Code of Georgia Annotated.

4.20.004

Permitted Uses

General

The uses listed in this section are deemed to be permitted uses and shall not require administrative review or a special use permit. Nevertheless, all such uses shall comply with §§4.20.003D through F of this ordinance and all other applicable ordinances.

A. Specific Permitted Uses

The following uses are specifically permitted:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any M-1 or C-3 Zoning District; provided, however, that such tower shall be set back from any existing off-site residence a distance equal to the height of the tower;
2. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
3. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds not more than twenty (20) feet to the height of said existing tower and said existing tower is not a preexisting tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

4.20.005

Administrative Approvals

The Zoning Administrator may administratively approve the uses listed in this section.

- A. Each applicant for administrative approval shall apply to the Zoning Administrator, providing the information set forth in §§4.20.006B and D.
- B. The Zoning Administrator shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.
- C. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any Zoning District setback requirements by up to fifty percent (50%).
- D. If administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the zoning ordinance concerning appeals of administrative decisions.
- E. **Specific Administratively Approved Uses.** The following uses may be approved by the Zoning Administrator after conducting an administrative review:
 1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than

fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

2. Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.
3. Locating any alternative tower structure in a Zoning District other than M-1 or C-3 that in the judgment of the Zoning Administrator is in conformity with the goals set forth in §4.20.003A of this ordinance;
4. Locating any tower in an industrial Zoning District provided a licensed professional engineer certifies, the tower can structurally accommodate the number of share users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in §4.20.003A and the requirements of §§4.20.003D through F; the tower is to be set back from any existing off-site residence a distance equal to the height of the tower; and that the tower meets the following height and usage criteria;
 - a. for a single user, up to ninety (90) feet in height;
 - b. for two users, up to one hundred twenty (120) feet in height; and
 - c. for three and more users, up to one hundred fifty (150) feet in height.

4.20.006

Conditional Use Permits

A. General

The following provision shall govern the issuance of special use permits:

1. If the tower or antenna is not a permitted use under §2.04 of this ordinance or permitted to be approved administratively pursuant to §4.20.005 of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all Zoning Districts.
2. In granting a special use permit, the governing authority may impose conditions based on the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

B. Information Required

Each applicant requesting a special use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

C. Factors Considered in granting Special Use Permits

The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential Zoning District boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
7. Proposed ingress and egress; and
8. Availability of suitable existing towers and other structures as discussed in §4.20.003C of this ordinance.

D. Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

E. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however that the governing authority may reduce the standard setbacks and separation requirements if the goals of this ordinance would be better served thereby.

1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
2. Towers, guys, and accessory facilities must satisfy the minimum Zoning District setback requirements.
3. In Zoning Districts other than industrial or heavy commercial Zoning Districts, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

F. Security Fencing

Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

G. Landscaping

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the governing authority may waive such requirement if the goals of this ordinance would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
2. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived altogether.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4.20.007

Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may, in the manner provided in §41-2-8 through 41-2-17 of the Official Code of Georgia Annotated, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Chapter 4.21: Combination Gas Station/Convenience Store/Fast Food Restaurant

Combination gas station, fast-food restaurant, and convenience stores shall be regulated on a site-by-site basis under conditional standards that address the following issues.

4.21.001

Circulation

The (Mayor and Council) shall require that the site accommodate high levels of traffic while maintaining the smooth circulation of vehicles on site.

- A. Driveways and service areas shall be placed in locations that reduce the chance of interrupting on-site vehicle movement. Buildings must be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces. In order to maintain on-site circulation, each drive-through area is to be separate from pump islands and from routes necessary for entering and exiting the property.

4.21.002

Parking

On-site parking for facilities that combine gas stations with convenience stores and fast food restaurants must equal 3 spaces per 1,000 square feet of gross floor area.

4.21.003

Landscaping/Buffering

Where the site is adjacent to residential development or commercially zoned properties, landscaping requirements include the construction of a 30-foot-deep transitional organically landscaped bufferyard and an opaque or nearly opaque screen consisting of a wall, fence, or evergreen vegetation to a height of at least eight feet, in addition to a minimum total landscaping equal to at least 20 percent of the area of the site not covered by buildings.

A. Speaker boxes shall not be audible on any residential property adjacent to the business.

4.21.004

Signs

Signs shall comply with the Statham Sign Ordinance as applied to the commercial zoning districts with the following limitations:

A. Only one freestanding sign identifying businesses located on the property is allowed.

B. One wall sign is allowed per subtenant but the aggregate square footage of all subtenant signs cannot exceed 25 percent of the front wall area.

Article 5 Administration

Chapter 5.01: Amendment

5.01.001

Authority

After initial adoption of this Zoning Ordinance, the City of Statham may from time to time amend the boundaries of the districts established on the Official Zoning Map and/or the provisions set forth in this Ordinance. Except for action by the City, an application must be filed at least thirty (30) days prior to the City Council meeting at which the request will be heard. The City Council has sixty (60) days following the public hearing within which to render a decision on the application. If the City Council fails to render a decision within the sixty (30) day period, or by the next regularly scheduled City of Statham meeting, (whichever is later), it is deemed to have approved the proposed amendments unless the application is withdrawn or tabled.

5.01.002

Application for Amendment (Rezoning Application)

An application for amendment must be filed with the City Clerk and must contain the following information:

- A. A survey of the property prepared by a licensed surveyor showing existing and proposed structures and uses, access drives, easements, utilities, buffers, existing zoning, and any other supporting documentation required by the City Clerk to assist the City of Statham in rendering a decision, including concept plans;
- B. Once the application is submitted it cannot be amended. Incomplete applications will not be processed.
- C. A written analysis which should address the following where applicable:
 - 1. What is the existing land use pattern in the area?
 - 2. Would approval create an isolated district designation unrelated to adjacent and nearby district designations?
 - 3. Would approval significantly increase or possibly overtax available infrastructure including, but not limited to schools, streets, utilities and public safety services?
 - 4. Are the existing boundaries illogically drawn in relation to existing conditions on the property proposed for change?
 - 5. Would changed or changing conditions make the passage of the proposed amendment necessary?
 - 6. Will the proposed change adversely influence living conditions in the neighborhood?
 - 7. Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?
 - 8. Will the proposed change seriously reduce light and air to adjacent areas?
 - 9. Will the proposed change adversely affect property values in the adjacent area?
 - 10. Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - 11. Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?
 - 12. Are there substantial reasons why the property cannot be used in accordance with its existing zoning?

13. To what extent is the proposed change consistent with the city's Comprehensive Plan?
14. What other factors, if any, should be considered in balancing the interest in promoting the public health, safety morality or general welfare against the right to unrestricted use of the property?
- D. Any additional information the applicant or City Clerk believes to be pertinent.
- E. Additionally, the applicant, if other than the local government, must pay the required application fee, as determined by the Governing Authority, to cover the administrative and advertising costs of the application and sign a statement certifying he/she or the owner represented by the applicant has at least a fifty-one percent (51%) ownership interest in the property.
- F. Once the application is submitted, it cannot be amended. Incomplete applications will not be processed.
- G. The applicant or his designee shall present the application and all its supporting documents, along with a written analysis of the requested zoning's impact to the City Council at its work session in the month in which the public hearing on the application is scheduled.

5.01.003

Public Hearings, Procedures, and Rezoning Standards

Public Hearing Required

Before enacting an amendment to this Ordinance, one (1) public hearing must be held by the City Council.

A. Applicant Notification

The City Clerk, or his or her designee, must notify the applicant of the date, time, and place of the required public hearing.

B. Publication of Notice

Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the City Clerk, or her designee, shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Statham. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. The notice shall further include a statement that "Any opponent of a rezoning action that has made within two years immediately proceeding the filing of the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official that will consider the application, must file a disclosure with the City of Statham showing:

1. The name and official position of the City Official to whom the contribution was made; and,
2. The dollar amount and description of each campaign contribution made to the City of Statham official. The disclosure shall be filed at least five calendar days prior to the public hearing on the zoning application."

C. Sign. In addition to the newspaper notice and not less than fifteen (15) days prior to the public hearing, the City Clerk, or her designee, shall cause the applicant to have posted in a conspicuous place on the lot or parcel to be rezoned, one (1) or more signs, which shall provide adequate notice of the zoning action. Each sign shall be approximately 32" in height and 24" in width and shall provide adequate notice of the zoning action. At a minimum the sign must contain the following information: date, time, and location of the hearing, current zoning classification and proposed zoning classification, and a telephone number of interested persons can call for additional information.

If, because of circumstances peculiar to the location of the property to be posted, the sign will either be inconspicuous or invisible from any well-traveled right-of-way, the sign(s) shall be posted on the property to be rezoned and on other property in such a location that it is likely to be seen by persons potentially interested in the decision.

- D. **City of Statham Action.** The Mayor and Council of the City of Statham shall review the application and vote on the proposed amendment to the zoning ordinance or the zoning map. The Mayor and Council may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the City Clerk shall so notify the applicant. If the City of Statham fails to act on the application within sixty (60) days of its submission or by the next regularly scheduled City of Statham meeting (whichever is later) the application is deemed to have been approved unless the application or the matter is tabled, postponed, or withdrawn.
- E. **Withdrawal.** If an application for an amendment to the Zoning Ordinance or Official Zoning Map is withdrawn in writing by the applicant at any time after the publication of the newspaper notice and posting of the required sign, but prior to the public hearing, then the same property may not be considered for zoning by the City of Statham until the expiration of at least sixty (60) days immediately following the withdrawal of the rezoning application. The withdrawal must be in writing and signed by the applicant.

The application will be considered to have been withdrawn if the applicant, his/her authorized agent or his/her attorney fails to appear at the public hearing. By withdrawing in this manner, the same property may not be considered for rezoning by the City of Statham until the expiration of at least sixty (60) days from the date of the scheduled public hearing for which the applicant failed to appear.

- F. **Denial.** If the zoning ordinance amendment or Official Zoning Map amendment is denied by the City of Statham, then the same property may not be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the City of Statham. A tie vote with no further action during said sixty (60) day period shall be deemed a denial of the rezoning by the City of Statham.

5.01.004

Zoning Amendment Criteria

In the adoption of a zoning ordinance, an amendment to an existing zoning ordinance or amendment to the Official Zoning Map, the City of Statham shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application:

- A. The existing land use pattern;
- B. The possible creation of an isolated district unrelated to adjacent and nearby districts;
- C. The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
- D. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
- E. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
- F. Whether the proposed zoning map amendment will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
- G. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

- H. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
- I. The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;
- J. The possible effect of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
- K. The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
- L. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
- M. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

After hearing evidence at the zoning hearing, the Mayor and Council shall apply the evidence of the Standards of Review (Zoning Amendment Criteria) in making their decision. It will not be required that the City Council consider every criterion contained in the Standards of Review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

5.01.005

Procedure for Conducting a Public Hearing

All public hearings held pursuant to this ordinance shall be conducted as follows:

- A. The presiding officer shall allow the applicant or the applicant's agent or attorney shall be allowed to present the applicant's case and then shall be afforded an opportunity, prior to the closing of the public hearing, to answer questions and respond to objections of others in attendance. A minimum of ten (10) minutes is allowed for presentation of data, evidence, and opinion by proponents of each zoning decision and a minimum of ten (10) minutes for presentation by opponents of each proposed zoning decision.
- B. Others desiring to speak or make a statement shall be given reasonable opportunity do so but must first be recognized by the presiding officer. Upon rising to speak, the person recognized will state his/her name. The presiding officer may also request that the person furnish a home or business street address, as may be appropriate.
- C. Groups, affiliations, and associations shall designate a spokesperson who shall speak for the group.
- D. Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak.
- E. Questions shall be directed only to the presiding officer who shall respond or designate another person for the response.
- F. The presiding officer may limit or terminate the discussion, statements or comments because of time, repetitiveness or irrelevancy.

After all discussion concerning the zoning application is concluded, the presiding officer shall close the public hearing for that particular zoning application.

5.01.006

Meeting Format

- A. Minutes of the meeting will be taken by the person so designated. Should a complete transcript of the meeting be requested it will be provided at the expense of the person making the request.

- B. No set time will be set for each person to talk but it is suggested remarks be kept short and to the point.
- C. Following is an outline of how the meeting will be held:
 - 1. Hearing called to order.
 - 2. Proposal or ordinance summarized.
 - 3. Applicant or proponent states his case.
 - 4. Persons in favor testify.
 - 5. Rebuttal and cross examination.
 - 6. Hearing closed.

5.01.007**Publication of Standards**

The above criteria shall be available to the public to aid in the preparation for a change in the Zoning Ordinance or the Official Zoning Map of Statham, Georgia.

Chapter 5.02: Conditional Use**5.02.001****Conditional Use Procedure**

All petitions for conditional use approval shall be submitted to the City Clerk at least 30 days prior to the regularly scheduled meeting of the Mayor and Council at which the application is to be heard, on application forms supplied by the Zoning Administrator along with a fee as determined by City Council. Incomplete applications will not be reviewed. Applications for all conditional uses must be accompanied by the following information.

- A. Three (3) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or applicant. The description should address the matters contained in Section 5.02.003.
- B. Three (3) copies of preliminary building and site plans drawn to scale showing the following information:
 - C. Three (3) copies of surveyed plat signed by a registered surveyor.
 - D. Project name.
 - E. Project owner.
 - F. Date, scale, and north arrow.
 - G. Vicinity map.
 - H. Use of adjacent property.
 - I. Exterior dimensions of the site.
 - J. Total project acreage.
 - K. Location, name and width of all existing or proposed streets.
 - L. Location of all proposed structures
 - M. Location of all off-street parking and driveway serving the project.
 - N. Proposed buffers and/or screening.
 - O. Location, height, fixture type and wattage of site lighting.
 - P. Dumpster locations.
 - Q. Rough floor plans, including gross floor area.
 - R. Building height.
- S. The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant

local permits, cause for the revocation of the approval and any related permits by the City of Statham.

- 5.02.002** The Mayor and Council shall hold a public hearing on the proposed use in accordance with the notice and hearing provisions for zoning amendment.
- 5.02.003** the In determining the compatibility of a use with adjacent properties and the overall community, Mayor and Council must make the following findings if the use is to be approved or approved with conditions:
- A. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
 - B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
 - C. Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
 - D. Public facilities and utilities are capable of adequately serving the proposed use;
 - E. Granting the request would not be an illogical extension of a use which would intrude a damaging volume of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
 - F. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities current or planned;
 - G. Granting this request would conform to the general expectations for the area population growth and distribution according to the Comprehensive Land Use Plan;
 - H. Granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability; and
 - I. Granting this request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.
- 5.02.004** The Mayor and Council shall review the record and vote on the proposed conditional use. The mayor and the Council may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the City Clerk shall so notify the applicant. If the Mayor and Council fail to act on the application within sixty (60) days or the submission or recommendations to the Council or by the next regularly scheduled City Council meeting (whichever is later), the application is deemed to have been approved, unless the application or the matter is tabled, postponed, or withdrawn.
- 5.02.005** be Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
- 5.02.006** Approval of a proposed use by the City Council does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the City and not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for said alterations by the governing authority. All uses, construction or building approved in the Conditional Use must begin within sixty (60) days of approval of the mayor and Council and be fully completed within one (1) year of approval.

Chapter 5.03: Variance

5.03.001 Variance

- A. Where the owner of a plot of land consisting of one (1) or more adjacent lots of record at the time of the enactment of this ordinance, does not own sufficient contiguous land to enable him/her to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape, or other unique features of such lots of record, prevent reasonable compliance with the setback if used as a building site upon approval of the City of Statham; the yard and other space requirements of the Zoning District in which the property is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. Such reduction of these space requirements shall constitute a variance. However, in no case shall the City of Statham permit any lot in a residential Zoning District to be used as a building site which is less than seventy-five percent of the Zoning District's minimum area and yard requirements as set forth in §2.03. Further, the City of Statham may grant variances only upon finding that all of the following conditions exist:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
 2. The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and
 3. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; and
 4. Such conditions are peculiar to the particular piece of property involved; and
 5. The special circumstances surrounding the request for a variance are not the result of acts by the applicants; and
 6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use permit in the Zoning District involved.
- B. Public hearings on variances shall be conducted by the City in a manner similar to the procedure set forth for the City Council in §5.01.003.
- C. If the variance request is denied, then the same property may not be considered for a variance for at least six (6) months immediately following the denial of the variance by the City of Statham.

Chapter 5.04: Non-conforming Buildings and Uses

The elimination of existing buildings and structures or uses that do not in conform with this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights.

Any structure or use of land lawfully existing at the time of the enactment of this Ordinance and its amendments, but not in conformity with its use ordinances and provisions may be continued subject to the following provisions.

5.04.001**Unsafe Structures**

Any structure or portion thereof declared unsafe by an appropriate governing authority may be restored to a safe condition, provided the requirements of Section 5.04.004 are met.

5.04.002**Alterations**

Any change in a lawfully existing non-conforming building, use, building site or yard area is subject to the following:

- A. No lawfully existing non-conforming building, can be structurally altered, except repairs on the building or installation of plumbing fixtures required by law, changing of interior partitions, or interior remodeling. Improvements on a lawfully existing non-conforming building shall not exceed 50 percent of the value of the building as determined by the Building Inspector.
- B. No lawfully existing non-conforming building or lands, except those residential dwellings needing repairs on the building or installation of plumbing fixtures as required by law, can be substantially added to, moved, or extended in any manner unless such building or land is changed to conform with the provisions of this Ordinance.
- C. If a lawfully existing non-conforming building is moved, all non-conforming minimum yard requirements, as defined in §2.03.002 or elsewhere in this ordinance, must be eliminated.
- D. Whenever an owner of a lawfully existing residential dwelling must make repairs on or installation of plumbing fixtures which will force the location of the future addition of the dwelling nearer the lot line than permitted, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of the dwelling.

5.04.003**Extension**

A lawfully existing non-conforming use is restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use must not be extended to include either additional building or land, except as permitted in §5.04, or unless the owner applies for and is granted a variance.

5.04.004**Restoration of Damaged Buildings**

Unless otherwise specified, a lawfully existing non-conforming structure that is destroyed (damage equals or exceeds 50 percent of the structures' replacement value, as determined by the Building Inspector), through no intent of the owner, may not be reconstructed or restored to the same non-conforming use except upon approval of the Zoning Administrator. However, residential dwellings that are nonconforming because of area and minimum yard requirements may be replaced regardless of extent of damage.

5.04.005**Discontinuance**

A lawfully existing non-conforming use which became such after the adoption of this Ordinance and which has been discontinued for a continuous period of 6 months, shall not be reestablished.

Any future use shall be in conformance with this Ordinance. Where government action impedes access to land, the time of any resulting discontinuance of a non-conforming use shall not be counted towards the time periods of this section.

Chapter 5.05: Zoning Administrator

The City Clerk, or his or her designee, has the authority and responsibility to act as the Code Enforcement Officer, and to administer and enforce the provisions of this Ordinance. The Clerk shall keep records of all and any permits, the Certificates of Occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. She shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made available as public records.

Chapter 5.06: Permits

5.06.001 Building Permits

It shall be unlawful for any building to be located, erected, moved, or added to, or structurally altered without obtaining a Building Permit issued by the Building Inspector. No Building Permit shall be issued except in conformance with the provisions of this Ordinance.

5.06.002 Application for Permits

- A. An application shall be accompanied by two (2) copies of a dimensional sketch or a to-schedule plan, signed by the owner, or his authorized agent, to include, as a minimum, the following:
 1. lot dimensions with property line monuments located thereon;
 2. shape, size, height, and location of the buildings proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot, yard dimensions and use of structures, including the number of dwelling units within each structure where appropriate;
 3. easements (private and public);
 4. water courses;
 5. fences;
 6. street names and street right-of-way lines; and
 7. such other information regarding abutting property as directly affects the application.
- B. Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction.
 1. If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provisions of this Ordinance, and other appropriate codes and ordinances, the Building Inspector shall sign and return one (1) copy of the sketch plan to the applicant and shall issue a Building Permit. The Building Inspector shall retain one (1) copy of the Building Permit and one (1) copy of the sketch or plan for his records.
 2. If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the Building Inspector shall not issue a Building Permit but shall return one (1) copy of the sketch of plan to the applicant along with a signed refusal and shall cite the portions of these Ordinances with which the submitted sketch plan does not comply. The Building Inspector shall retain one (1) copy of the sketch plan and two (2) copies of the refusal.

3. Any Building Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

5.06.003 Issuance of Certificate of Occupancy

The City Clerk, or her designee, shall sign and issue a Certificate of Occupancy if the proposed use of land or buildings, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance and if the Building, as finally constructed, complies with the sketch or plan submitted for the Building Permit.

5.06.004 Remedies

In the event any building is erected, constructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the City of Statham or the City Clerk, or his designee, is authorized and required to institute injunction, mandamus, warrant for arrest, or other appropriate action or proceeding to prevent or abate the violation in the case of each building or land use. The Zoning Administrator is the Zoning Enforcement Officer. Any person who would be damaged by such violation may also institute action to prevent or abate the violation.

Chapter 5.07: Developments of Regional Impact

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project is submitted to the City of Statham for review, then the time deadlines imposed in by this ordinance are suspended until the DRI review process is completed.

Chapter 5.08: Map Amendment

If, in accordance with provisions of this Ordinance, changes are made in the Zoning District boundaries or other information portrayed in the Official Zoning Map, such changes must be made on the Official Zoning Map within 30 days after the amendment has been approved by the City of Statham together with a numerical entry on the Official Zoning Map referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendment to this Ordinance which involves a matter portrayed on the Official Zoning Map is effective until after such change and entry is made on the map.

All changes made to the Official Zoning Map or matters shown thereon must be in conformity with the procedures set forth in this zoning ordinance. Any unauthorized change by any person is considered a violation of this Ordinance and punishable as provided by law and this ordinance.

Chapter 5.09: Disclosure Requirements

5.09.001 Disclosure of Financial Interests

A city official who knows or reasonably should know he or she:

- A. Has a property interest in any real property affected by a zoning action upon which that official's local government will have the duty to consider.
- B. Has a financial interest in any business entity which has a property interest in any real property affected by a zoning action which that official's local government will have the duty to consider; or
- C. Has a member of the family having any interest described in paragraph (A) or (B) of this section, shall immediately disclose the nature and extent of such interest, in writing, to the City of Statham.

The city official who has an interest as defined in paragraph (A) or (B) of §5.09.001 of this ordinance, shall disqualify himself from voting on the zoning action. The disqualified city official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in the section shall be a public record and available for public inspection at any time during normal working hours.

5.08.002 Disclosure of Campaign Contributions

When any owner or applicant for zoning action has made, within two (2) years immediately preceding the filing of the applicant's application for the zoning action, campaign contribution(s) aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the City of Statham showing:

- A. the name and official position of the local government official to whom the campaign contribution was made; and
- B. the dollar amount and description of each campaign contribution made by the applicant or owner to the city official during the two years immediately preceding the filing of the application for the zoning action and the date of each such contribution.

The required disclosures shall be filed within five calendar days after the application for the zoning action is first filed.

Any person knowingly failing to comply with the disclosure requirements or violating the provisions of this section is guilty of a misdemeanor.

Article 6: Legal Status Provisions

Chapter 6.01: Conflict With Other Laws

When the provisions of this Ordinance specify more restrictive standards than required by any other statute, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

Chapter 6.02: Separability

Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Chapter 6.03: Repeal of Conflict in Ordinances

All Ordinances and parts of ordinances in conflict herewith are repealed.

Chapter 6.04: Incorporation by Reference of Maps

The boundaries of these Zoning Districts are hereby established as shown on the map entitled "The Official Zoning Map of Statham, Georgia". Said map is hereby made a part of this Ordinance and shall be available for public inspection in the office of the City Clerk. As evidence of its authenticity, the Official Zoning Map shall be signed by the Statham Mayor and attested to by the City Clerk.

Chapter 6.05: Copies

This zoning ordinance of Statham, Georgia shall be and is hereby executed in triplicate, each signed copy being an original to be marked and distributed as follows:

6.05.001 Work Copy
Shall be maintained in City Clerk's office for day to day use in zoning and planning.

6.05.002 Minute Book Original
Shall be incorporated into the minutes of the meeting of the Mayor and Council of Statham and maintained by the City Clerk. The Minute Book original shall hereafter be deemed the original or official copy. Any subsequent amendment shall be made only by official action as prescribed herein. The original shall not be altered but amendments shall be identified on separate sheets each separately numbered and supported by the date and official action ordinance amendment

in which the change was approved. In the case of a comprehensive amendment to the zoning ordinance, a copy of all proposed changes may be incorporated into one (1) document. Since a comprehensive amendment may incorporate substantial material changes as well as insignificant technical changes, all substantial material changes must be made available to the public separate from the complete zoning ordinance and clearly identifiable. Substantial changes must be approved individually by the Mayor and Council.

6.05.003

Clerk's Copy

The Clerk shall maintain this copy in the same manner as the Minute Book Original.

Chapter 6.06: Enforcement

If the City Clerk or Zoning Administrator or his/her designee determines that any person is in violation of this ordinance, the appropriate official shall issue an order requiring the owner to comply with this ordinance including orders requiring restoration of pre-existing conditions and orders requiring restitution to the city by means that are deemed appropriate by the city. In addition, the City may bring a civil action for enforcement and may seek equitable and injunctive relief under this ordinance.

Any person who is determined to be in violation of any provision of this ordinance by the city shall be fined a civil penalty of not less than \$100.00 per day of violation and not more than \$1,000.00 per day of violation.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction in Municipal Court shall be punished by imprisonment of not more than 6 months or by a fine of not more than \$500.00, or both, for the first offense and by imprisonment of not more than one (1) year or by a fine of not more than \$1,000.00, or both for each subsequent offense. Additionally, any violation of any provision of this ordinance or failure to comply with any of its requirements shall be grounds for immediate suspension or revocation any and all related permits.

Chapter 6.07: Appeals

6.07.001

Appeal from the Zoning Administrator

Any person or persons jointly or severally aggrieved by any decision of Statham Zoning Administrator, , any of his employees or designees, or the City Clerk shall have the right of appeal to Statham Mayor and Council if such appeal is filed with the Clerk of the City Council within thirty (30) days of the rendering of the decision.

6.07.002

Appeal from Mayor and Council

Any person or persons jointly or severally aggrieved by any decision of Statham Mayor and Council regarding any zoning matter shall have the right of appeal to the Barrow County Superior Court if said appeal is filed with the Clerk of Court within thirty (30) days of the rendering of the decision by Statham Mayor and Council.

6.07.003

Stay of Proceedings

An appeal to the Court of Record stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the City Attorney after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

Chapter 6.08: Effective Date

This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

Chief Elected Officer

Adoption Date

Clerk

Appendix A

SIGNS

§ ____ 101

Purpose and Findings

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and the City's overall public welfare as well as an aesthetic nuisance.

By enacting this ordinance, the Mayor and Council intend to:

- A. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- B. Protect the public health, safety, and welfare of the citizens and others within the City;
- C. Reduce traffic and pedestrian hazards;
- D. Promote the aesthetic qualities of the City;
- E. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- F. Promote economic development;
- G. Ensure the fair and consistent enforcement of sign regulations; and
- H. Promote the stated purposes of the City of Statham Zoning Regulations which are expressly incorporated herein.

§ ____ 102

Definitions

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word "shall" is mandatory and not directory, the word "person" includes a firm, organization, partnership, trust and corporation, and the word "City" shall mean the City of Statham, Georgia.

As used in this Chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Advertising Device

Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

Animated Sign

A sign with action, motion, or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature, or date.

Arcade, Directory, Mall Sign

A serial sign which identifies the names of businesses, offices, professionals, industries or other entities located within a planned center.

Area of Sign

The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The sign area of painted or affixed wall signs when composed of letters only is the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter. For double-faced signs, except for commercial off-premises signs, only the largest display face shall be measured in computing the sign area.

Banner

A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing.

Billboard

An off-premises advertising sign or off-premises directional sign, other than a real estate directional sign, which advertises or directs attention to businesses, products, services, or establishments not conducted on the premises on which the signs are located.

Business Sign

Any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Clock Sign

Any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.

Commercial Sign

A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.

Construction Sign

A sign erected and maintained on premises announcing the proposed or existing construction of a building(s) or project.

Double-faced Sign

A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Entrance Sign

Any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, or industrial complex or some other building with multiple residential or commercial units. Entrance signs shall not exceed thirty-two (32) square feet.

Flashing Sign

A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date shall not be considered as flashing signs.

Freestanding Sign

A sign securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of any building for support.

Frontage, Building

The width in linear feet of the front exterior wall of a particular establishment.

Frontage, Road

The width in linear feet of each lot where it abuts the right-of-way of any public street.

Ground Sign

A permanently affixed sign which is wholly independent of a building for support.

Illuminated Sign, Direct

A sign illuminated by an internal light source.

Illuminated Sign, Indirect

A sign illuminated by an external light source directed primarily toward such sign.

Kiosk Signs

A free-standing and multiple sided structure owned by the City and located in public rights-of-way that displays directional information to residential and commercial developments.

Licensee

The person and/or entity erecting the sign on property of owner and/or permittee.

Marquee

A roofed structure and attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

Marquee Sign

A business sign painted on, attached to or hung from a marquee.

Nonconforming Sign

Any sign which does not conform to the provisions of this Chapter.

Nonconforming Use

A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is located as outlined in the City Zoning Regulations.

Off-premises Signs

A. Off-premises Advertising Sign

A sign which is not located upon the premises of the business or entity indicated or advertised by said sign. This includes products advertised in conjunction with a business entity.

B. Off-premises Directional Sign

A sign not located upon the premises of the business or entity indicated on the sign and only for the purpose of directing traffic to business establishments, real estate developments, public and private clubs, schools and other such facilities. The advertising of products and/or services shall not be allowed on the sign structure.

Permittee

The person and/or entity owning the land (landowner) on which the sign is erected.

Planned Center, Office, Commercial, or Industrial

A group of retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Political Sign

A noncommercial sign identifying or urging voter support for a particular election issue, political party, candidate for public office, political idea, or opinion.

Portable Sign

A sign which is not permanently affixed, including but not limited to signs mounted

or painted on vehicles which are parked in such a manner as to serve the purpose of an advertising device.

Real Estate Sign

A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

Roof Sign

A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

Sidewalk or Sandwich Sign

A movable sign not secured or attached to the ground or surface upon which it is located.

Sign

A device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

Sign Face

That part of a sign that is or can be used for advertising purposes.

Subdivision Sign

Any freestanding or ground sign placed at the intersection of two roads, at least one (1) of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential subdivision. Subdivision signs may not exceed one hundred (100) square feet.

Swinging or Projecting Sign

A sign projecting more than six (6) inches from the outside wall or walls of any building upon which it is located.

Temporary Sign

A sign of a nonpermanent nature. Unless otherwise provided herein, all such signs shall be removed within ten (10) days after the purpose of which the sign is intended to advertise has been accomplished.

Trailer Sign

Any sign mounted on wheels and that may be moved from one location to another.

Wall Sign

A sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six (6) inches from the outside wall of such building or structure. The total lettering on one (1) side of a building or structure shall constitute one (1) wall sign.

Window Sign

A sign installed inside a window and intended to be viewed from the outside.

§ ____ 103

Permit – Required

Except as specifically excluded from the provisions of this Chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the City without first having obtained a sign permit.

§ ____ 104

Same – Application

Application for sign permits required in § ____ 103 shall be filed by the sign owner or his agent in the office of the City Clerk or her designee(s) upon forms furnished by the City. Said application shall describe and set forth the following:

- A. The type and purpose of the sign as defined in this Chapter.
- B. The value of the sign.
- C. The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the City Clerk or her designee(s) shall be used.
- D. The square foot area per sign and the aggregate square foot area.
- E. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
- F. Consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign on his property.
- G. The City Clerk or his or her designee(s) will require a sketch or print drawn to scale showing pertinent information such as wind pressure requirements and display materials in accordance with the Standard Building Code as adopted by the City of Statham. Additional information of such print or sketch to insure compliance with this Chapter may be required.
- H. Name, address, phone number and business license number of the sign contractor.

All applicants for electrical signs must provide a completed electrical subcontractor affidavit.

The City shall process all sign permit applications and make a determination whether to grant or deny any applications within 30 business days of the City's actual receipt of an application and sign permit fee. The City Clerk or her designee(s) shall notify the applicant of her decision by hand delivery or by mailing a notice to the address on the permit application by Certified Mail, Return Receipt Requested on or before the 30th day after the City's receipt of the application. If mailed, notice shall be deemed to have been given upon mailing in conformity with this section. The City Clerk or her designee(s) shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-

submission, instead of original submission. If the City fails to act within the 30-day period, the permit shall be deemed to have been granted.

§ _____ 105

Same – Expiration Date

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement, the City Clerk or her designee(s) shall revoke said application and the subject sign shall be removed. A revocation pursuant to this section shall be appealable pursuant to procedures for appeals contained in this Chapter.

§ _____ 106

Same – Fees

No permit shall be issued until the appropriate application has been filed with the City Clerk or her designee(s) and a fee of \$ _____, or as may hereafter be provided by the Mayor and City Council.

§ _____ 107

Identification Labels

With each new permit the City Clerk or her designee(s) shall issue an identification label bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such label to the sign in the lower right hand area so it will be easily seen. The absence of a proper label shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the provisions of this Chapter.

§ _____ 108

Continuance of Non-conforming Permanent Signs

The lawful use of a permanent sign existing at the time of the enactment or the amendment of this ordinance may be continued even though such use does not conform to the provisions this Chapter except that the non-conforming sign shall not be:

- A. Extended to occupy a greater area of land.
- B. Enlarged, altered, modified, improved or rebuilt except in conformance with this Chapter, but it may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.

Non-conforming signs no longer in use by the owner or operator shall be removed within ten (10) days of discontinuance of use for four months or the City shall order the removal of such signs at the expense of the owner or operator. Discontinuance may be determined by:

- A. Failure to renew occupation tax certificate;

- B. Cancellation of City sanitation service; or
- C. Abandonment of property;

A non-conforming sign may not be removed by an act of an owner and later replaced by another non-conforming sign.

§ ____ 109

Reserved

§ ____ 110

Conforming, Non-conforming Sign Prohibited for Same Establishment on Same Lot

No conforming sign or advertising device shall be erected for the same establishment on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Chapter.

§ ____ 111

City Occupation Tax Certificate, Public Liability Insurance Required

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall provide an occupation tax certificate valid in the State of Georgia and a certificate of insurance from an insurance company authorized to conduct business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of one-hundred thousand dollars (\$100,000.00) for property damage for any one (1) claim and public liability insurance in an amount not less than one million dollars (\$1,000,000.00) for injuries, including accidental death to one (1) person.

§ ____ 112

Prohibited Signs

The following types of signs are prohibited throughout the City of Statham:

- A. Signs on public rights-of-way other than publicly owned or maintained signs.
- B. Window signs which exceed thirty (30) percent of the window area.
- C. Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80.
- D. Signs which simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign, except as allowed by § ____ 114(b)(5) below.
- E. Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
- F. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.
- G. Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curb, utility pole, natural feature, or other structure except as may be set forth herein.
- H. Signs which advertise any activity, service, or product prohibited by the laws

or regulations of the United States or the State of Georgia or by the ordinances or resolutions of Barrow County or the City of Statham. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.

- I. Animated signs (except for time and weather informational signs, official warning and regulatory signs).
- J. Signs which obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape.
- L. Signs which do not conform to building and electrical codes.
- M. Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign.
- N. Roof signs.
- O. Tri-faced signs.
- P. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
- Q. Any sign constructed of non-durable material including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than sixty (60) days. Nothing herein shall prohibit such a sign from being replaced by an identical sign. This provision does not apply to flags or banners which are governed by §§ ____ 130 and 131.
- R. Portable signs.
- S. Signs located on any substandard lot created after the enactment of this Chapter, unless the substandard lot is created as the result of governmental action.
- T. Abandoned commercial signs. Commercial signs (including sign structures) shall be deemed abandoned if the business, service or commercial transaction to which it relates has been discontinued for thirty (30) days.
- U. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
- V. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

§ ____ 113

Certain Temporary Signs in Non-residential Areas

- A. The following types of signs or advertising devices shall be permitted only by issue of a special permit allowing use of this type advertising for a period not exceeding 15 consecutive days. No special permit shall be issued for the same premises at less than six-month intervals. A fee as established from time to time by the Mayor and Council of the City of Statham shall be charged for each such special permit. No sign or advertising device prohibited under § ____-112 nor any sign or advertising device not listed below shall be permitted under this section.
 - 1. Air- or gas-filled balloons or other devices which have a capacity for air

or gas exceeding three (3) cubic feet.

2. Streamers or pennants.
 3. Flags not excluded under § ____-114.
 4. Searchlights and similar devices.
- B. The following types of signs or advertising devices shall be permitted only by issue of a special permit allowing use of this type advertising for a period not exceeding twenty (20) days twice per year for a total of forty (40) days per year. A fee as established from time to time by the Mayor and Council of the City of Statham shall be charged for each such special permit. No sign or advertising device prohibited under § ____-112 nor any sign or advertising device not listed below shall be permitted.
1. Banners not to exceed 48 square feet in area.

§ ____ 114

Exemptions

- A. Signs erected by a public officer in the performance of his/her duties, including but not limited to: public notices, safety signs, danger signs, traffic official control devices, memorial plaques, and historical markers shall be exempt from the provisions of this Chapter.
- B. The following types of signs shall be exempt from the permit requirements of § ____ 103.
1. Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the available window space.
 2. Non-illuminated freestanding signs having an aggregate sign area per lot of ten (10) square feet or less. However, each such sign may not exceed six (6) square feet in size and may not be greater than four (4) feet above the grade level of the adjacent street to which the sign is located or three (3) feet above ground level, whichever is greater.
 3. Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
 4. Non-commercial flags and banners as provided in §§ ____ 130 and ____ 131.
 5. Non-governmental traffic control devices in or adjacent to parking areas and driveways.

§ ____ 115

Discontinued Businesses

When a business or service using identification or business sign is discontinued, all signs and sign structures relating to this business or service shall be removed within ten (10) days from the date of discontinuance.

§ ____ 116

Maintenance

- A. All signs shall be maintained in good condition so as to present a neat and orderly appearance. The City of Statham may order removal after due notice any sign which shows gross neglect or has become dilapidated.
- B. The City of Statham shall give the owner ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the City of Statham shall order the removal of the sign or signs at the expense of the owner.

§ ____ 117

Illumination

- A. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
- B. No sign shall have blinking, flashing or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
- C. No colored lights shall be used at any location or any manner so as to be confused with or construed as traffic control devices.
- D. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

§ ____ 118

Signs Permitted and Regulated in Zoning Districts According to Purpose of Such Signs

If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section, shall be prohibited in that district, except as otherwise provided for under this Ordinance.

§ ____ 119

Restrictions in Residential Zoning Districts

Lots located in residential zoning districts shall not have an aggregate sign area greater than eighteen (18) square feet per lot, subject to exemptions contained elsewhere herein. Freestanding signs having a height of greater than four (4) feet above the grade level of the adjacent street to which the lot on which the sign is located as measured from the top of the sign, pole or support included, or three (3) feet above ground level, as measured from the top of the sign, pole, or support structure to ground level, whichever is greater, shall not be located in any residential zoning district. However, subdivision and entrance signs, as defined elsewhere herein, shall not be included in the calculation of aggregate sign area in any residential district. There shall be a maximum of two (2) subdivision or entrance signs per entrance into any residential subdivision or residential real estate development. In apartment, condominium, mobile home, or townhouse developments, the aggregate sign area may not exceed four (4) square feet per unit. No sign in any residentially zoned district may be illuminated, except for subdivision and entrance signs, subject to the provisions of § ____ 117 hereof. No single sign in a residential zoning district governed by this section, except for subdivision and entrance signs, may exceed six (6) square feet in size. Any commercial message on a sign located on any lot in any residential district must be related to the physical premises on that lot. Such a message may be deemed related to the lot physical premises if it indicates the provider of services to or regarding the premises. Should any new zoning district be created that incorporates any residential use, this section shall apply to such new district unless otherwise stated in the ordinance as creating the new zoning district.

§ ____ 120

Provisions for Nonresidential Districts

- A. The following signs are permitted in all nonresidential zoning districts except as noted:
1. One (1) freestanding or ground sign limited to seventy-five (75) square feet or two (2) square feet per linear foot of lot frontage, whichever is greater, to a maximum of five hundred (500) square feet, for each street frontage. However, no sign allowed under this paragraph shall be located adjacent to any street or roadway that does not have an authorized curb cut to allow access to the lot upon which the sign is situated; and
 2. Four (4) wall signs, each of which is limited to seventy-five (75) square feet, or one (1) square foot per linear foot of the wall on which the sign is erected, whichever is greater; and
 3. One (1) freestanding or ground sign of a maximum of fifty (50) square feet; and
 4. One (1) canopy sign with a maximum of seventy-five (75) square feet or two (2) square feet per linear foot of building frontage, whichever is greater; and
 5. Additional freestanding or ground signs no more than six (6) square feet in area and no higher than three (3) feet above the ground, the total number of which shall not exceed twice the total number of driveway entrances and exits plus the number of building entrances (including drive-through or service windows). Said signs may be adjacent to, but not within the right-of-way.
 6. In addition to the signs authorized by subsections (a)(1)–(5) above, each nonresidential lot may contain additional signage having an aggregate sign area of not greater than ten (10) feet. Freestanding signs in this category may not exceed four (4) feet above the grade level of the roadway adjacent to the lot or three (3) feet above grade level, whichever is greater and may be no higher than four (4) feet from ground level. No single sign in this category may exceed four (4) square feet in size and shall be subject to the setback requirements in § ____ 121
- C. Location requirements. Freestanding signs (except for signs allowed by subsection ____ 120(a)(5)) on a non-residential lot shall comply with subsections ____ 121(d)(1) and (2) and shall be confined to the buildable area of the lot. Billboards shall be governed by § ____ 122.
- D. Any sign provided for in any zoning district may contain noncommercial messages.

§ ____ 121

Height and Setback Requirements

- A. The height of all freestanding and ground signs at their highest point above the level of the ground shall not exceed twenty (20) feet in non-residentially zoned districts and shall be governed by § ____ 119 in residentially zoned districts. The level of the ground shall not be altered in such a way to provide additional sign height. The height of monopole sign structures shall be measured from the base of the pole at ground level to the top of the pole or top of the highest sign face, whichever is higher. The height of any multi-

pole sign structure shall be measured the same as a monopole structure, except that the measurement shall be made using the shortest pole. Ground signs shall be measured from the ground level base of the sign structure (deemed to include any skirting) to the highest point of the sign.

- B. The height of all wall and canopy signs at their highest point above ground level shall be as provided in § ____ 124 of this Chapter.
- C. No sign or sign structure above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two 92) streets, or of a street intersection with a railroad right-of-way. However, a sign support structure not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this Chapter are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.
- D. All signs shall be set back as follows:
 - 1. Ten (10) feet from the curbline of each street adjacent to the lot upon which the sign is situated (applicable to all zoning districts);
 - 2. If the right-of-way is more than ten (10) feet from the curbline as described in (in) above, the sign shall be set back at least one (1) foot from the right-of-way (applicable to all zoning districts);
 - 3. In a residential zoning district, if the distance between the right-of-way to the front of the principal structure is less than fifteen (15) feet, signs shall be set back two-thirds (2/3) of the distance between the curbline and the front of the principal structure on the lot on which the sign is located.

Billboards

This section is supplemental to all other provisions of this Chapter and applies to billboards.

- A. Zoning districts where allowed. Billboards are permitted on lots that are adjacent to routes permanently designated and maintained by the Georgia Department of Transportation as a state or federal highway and are located within C-1, C-2, and M-1 zoning districts, provided the lot abutting the street is zoned C-1, C-2, or M-1 for at least five hundred (500) continuous feet along both sides of this street or seven hundred fifty (750) continuous feet along one (1) side of such street.
- B. Location and spacing.
 - 1. No billboards shall be placed within five hundred (500) feet of a residence, church, school, park or cemetery, any residential zoning district boundary, any historic district boundary, or any historic property.
 - 2. No billboards shall be located within five hundred (500) feet of another billboard, as measured from any direction.
 - 3. Billboards shall be erected only in the buildable area of the lot; provided, however, that no such sign shall be located nearer than seventy-five (75) feet of a highway or road right-of-way. Any billboard with any sign face visible from a highway shall also not be any further than one hundred (100) feet from said highway. No tree shall be cut, trimmed, or pruned in locating, erecting or maintaining any billboards.
- C. No billboards shall exceed seven hundred (700) square feet or fourteen (14)

feet in height or fifty-two (52) feet in length inclusive of any border and trim, but excluding the base, apron, supports and other structural members; however, additional size and dimensional allowance for extensions or protrusions from the basic geometric shape of a sign may be permitted up to a maximum of fifty (50) percent of the basic sign area.

- D. No billboards shall contain more than two (2) faces, not to exceed seven hundred (700) square feet collectively, exclusive of the allowance permitted for extensions and protrusions, visible from the same direction on the main traveled street or road. Double-faced and back-to-back constructed signs shall, for the purpose of determining compliance with size and spacing limitations, be considered as one (1) sign.
- E. No billboard or billboard structure or any part of a billboard or billboard structure shall be located over any part of the roof of any building.
- F. Billboards shall require a building permit and an electrical permit to the extent applicable.
- G. Unless otherwise specified in this section, billboards shall meet the frontage and set back requirements of the zoning district in which they are located.
- H. Billboards shall not exceed forty (40) feet in height.

§ ____ 123

Reserved

§ ____ 124

Wall, Projecting, and Canopy Signs

A. Wall or Projecting Signs

Wall or projecting signs shall be securely fastened to the building surface.

These signs may project from the building three (3) feet; provided that if they project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above the ground level when erected over pedestrian walkways or driveways but fourteen (14) feet over areas of truck service access. All wall and projecting signs shall not extend above the parapet wall.

B. Canopy Signs

Canopy signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and fourteen (14) feet above areas of vehicle service access at the lowest extremity of the sign. Canopy signs shall be otherwise regulated as provided for wall signs.

§ ____ 125

Variances and Appeals

The City Council shall have the following powers and duties, in addition to any other duties provided elsewhere.

A. Administrative review

To hear and decide whether there is an error in any order, requirement, decision or determination made by the City Clerk or her designee(s) in the enforcement of this Chapter.

B. Variances

To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Chapter will, in an individual case, result in unusual hardship, so the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the board that the following conditions exist:

1. There exists extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.
2. A literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other similar properties.
3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.
4. The requested variance will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of actions of the applicant.
6. The variance requested is the minimum variance which will make possible the logical use of the land, building or structure.
7. The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning district involved.

C. Appeal

An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer, to the City council provided that they file written notice of an appeal with the city Clerk within 10 business days of the hearing officer's decision. Such appeal shall be considered by the Council at the next City Council meeting held after the city's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of two full business days before the meeting.

If the applicant is not satisfied with the ruling of the City Council, he or she may seek judicial review by filing for a Writ of Certiorari in the Superior Court of Barrow County within 30 days of the decision of the City Council.

§ ____ 126

Suspension, Revocation of Permit, License

Violation of any provision of this Chapter will be grounds for terminating the permit granted by the City to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked or canceled except for due cause as hereinafter defined, and the permittee and/or licensee is granted a public hearing before the City Council. The permittee and/or licensee will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. "Due cause" is the willful and/or continued violation of the provisions of this Chapter. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Chapter from being tried for violating this Chapter, or preclude the City from taking any other action authorized by this Code and/or any action authorized by law.

§ ____ 127

Enforcement

This Chapter shall be administered and enforced by the City Clerk, Ordinance Enforcement Officer or their designee(s) empowered to administer the Zoning Regulations of the City.

In case any sign, advertising device, or other device covered by this Chapter is or is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this Chapter, the City Clerk or her designee(s) or any other person authorized to issue citations for violations of Statham City Ordinances may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the City Code requiring the presence of the violator in the municipal court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.

§ ____ 128

Penalty

Any violation of this ordinance or any provision thereof shall be an offense and punishable in accordance with Chapter 12 of the Code of the City of Statham.

§ ____ 129

Temporary Directional Real Estate Signs

Temporary real estate directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound manner, and are removed at the owner's expense within 90 days following issuance of a certificate of occupancy for the final unit of each phase of the development. Temporary real estate directional signs shall comply with the following:

- A. Such signs shall be located within two miles of the property to which they refer, as measured along existing streets.
- B. No such sign shall be located within 10 feet of the pavement of any street and shall not be permitted on any public right-of-way.

- C. Such signs shall not exceed 16 square feet in sign area where adjacent to a state or national highway, and shall not exceed 4 square feet in area where adjacent to all other streets.
- D. Such signs referring to the same property and located on the same street shall be separated by a minimum distance of 1000 feet.
- E. No more than two such signs advertising different project shall be permitted on any lot.
- F. Such signs shall not be illuminated.
- G. Overall sign height shall not exceed 6 feet.
- H. No signs prohibited under § ____-112 shall be used as a Temporary Directional Real Estate Sign.

§ ____ 130

Flag

All flags shall be displayed on purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles. In non-residential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential districts shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.

- A. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the flagpole. In addition, flags are subject to the following limitations:

<u>Pole Height</u>	<u>Maximum Flag Size (total square feet)</u>
Up to 30 feet	30 square feet
30 to 50 feet	60 square feet
50 feet or greater	150 square feet

- B. Each lot or parcel shall be allowed a maximum of three flag poles.
- C. A maximum of 2 flags shall be allowed per flagpole.
- D. Flags displaying a logo, message, statement, or commercial message and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.
- E. A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- F. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- G. On officially designated county, state, or federal holidays, there shall be no maximum flag size or number or other limitations on display.
- H. This section shall not be construed to restrict the right to display eligible flags as banners or non-commercial signage as provided elsewhere in this Chapter.

§ ____ 131

Banners

- A. Banners shall be exempt from the permitting requirements in this Chapter and shall not be included in the calculation of aggregate sign area provided that they are either solely decorative or are non commercial and do not display a logo, message, statement, or commercial message. Banners which display a message, logo, statement, or commercial message shall be regulated as signs as provided elsewhere in this Chapter.
- B. Banners shall conform to the following standards:
 - 1. Each banner shall not exceed fifteen (15) square feet.
 - 2. Each banner must be individually attached to a pole, mast arm, or other structure.
 - 3. The number of banners per lot shall be the same as that provided for flags in § ____ 130 above.
 - 4. All banners must be maintained in good condition as provided for flags in § ____ 130 above.

§ ____ 132

Weekend Directional Signs Advertising Private Sales or Events

Weekend Directional Signs Advertising Private Sales or Events shall be permitted from 6:00 p.m. Thursday until 11:59 p.m. on Sunday subject to the following specific requirements:

- A. Such signs shall be located within two miles of the property to which they refer, as measured along existing streets;
- B. No such sign shall be located within 10 feet of the pavement of any street and shall not be permitted on any public right-of-way.
- C. Such signs shall not exceed 4 square feet in area and shall be self-supporting.

§ ____ 133

Chapter Severability

In the event any article, section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses, or phrases of this Chapter, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Mayor and Council of the City of Statham hereby declare that it would have adopted the remaining parts of this Chapter if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

§ ____ 134

Repealer; Effective Date

- A. All ordinances and parts of ordinances in conflict herewith are repealed to the extent of any such conflict; except that no such repeal shall be effective with respect to any pending enforcement action or prosecution pursuant to existing law; and
- B. This ordinance shall be effective upon its adoption by the Council of the City of Statham.

TITLE

An ordinance regulating the subdivision of land in the City of Statham, Georgia requiring and regulating the preparations and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; requiring minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the City Council in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions.

ARTICLE I. GENERAL PROVISIONS

1.1 Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Statham, Georgia (hereinafter "these regulations").

1.2 Policy

1. It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of (Name of Statham) pursuant to the comprehensive plan of the city for the orderly, planned, efficient, and economical development of the city.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the city, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and land use plan, and the capital budget and program of the city.
4. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations(s) identified in Section 1.3.

1.3 Purposes

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the city.
2. To guide the future growth and development of the city in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.
5. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proposed location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
9. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measure to ensure that the development provides its fair share of capital facilities needs generated by the development.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city.
13. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

1.4 Authority

These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article XI, Section II, Paragraphs I and IV). The City Council is vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including sketch, preliminary, and final plats. The City Council may grant a variance from these regulations pursuant to the provisions of Section 1.13.

1.5 Statham

1. These regulations apply to all subdivision of land, as defined in Section 2.2, located within the corporate limits of Statham, Georgia.
2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Council in accordance with these regulations.
3. The City Council also shall have the authority to review and approve, conditionally approve or disapprove the sale, lease, or development of lands subdivided prior to or following the effective date

of these regulations as follows:

- a. The plat of the subdivided land was recorded without the prior approval of the City Council whether or not prior approval was required at the time the land was subdivided and the plat contains contiguous lots in common ownership where one or more lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
 - b. The plat of the subdivided land has been of record for more than five (5) years, was not approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
 - c. The plat has been of record for more than five (5) years, was approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the zoning ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
4. No land described in this Section 1.5 shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
 - a. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Planning Commission for review and recommendation to the City Council; and
 - b. The subdivider or his agent has obtained approval of the sketch plat, a preliminary plat when required, and a final plat from the City council; and
 - c. The subdivider or his agent files the approved plats with the Clerk of the __Barrow County Superior Court, as appropriate.
 5. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

1.6 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of September 8, 1997. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the city unless the City council determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

1.7 Interpretation, Conflict, and Separability

1. Interpretation.

In their interpretation and applications, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- a. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- b. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the City council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

2. Separability.

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent Statham, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City council hereby declares that it would have enacted the remainder to these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue or, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any persons, firm, or corporation by lawful action of the city except as shall be expressly provided for in these regulations.

1.9 Reservations and Repeals

Upon the adoption of these regulations according to law, the Subdivision Regulations of (Name of Statham) adopted October 5, 1987, and as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

1.10 Amendments

For the purpose of protecting the public health, safety, and general welfare, the City council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the City council at a public meeting following public notice. Before enacting any amendment to this Ordinance, the City council shall hold a public hearing within thirty (30) days of the date of the submission of a request for an amendment. A public notice shall be given at least fifteen (15) days prior to the public hearing in the legal organ of the county.

1.11 Resubdivision of Land

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and it is intended that such lots will eventually be resubdivided into small building sites, the City Engineer shall require that such parcel of land allow for the future opening of streets and the ultimate extension of such streets may be made a requirement of the plat.

1. Procedure for Resubdivision.

Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the Resubdivision by the same procedures prescribed for the subdivision of land.

2. Resubdivision. Resubdivision includes:

- a. any change in any street layout or any other public improvement;
- b. any change in any lot line;
- c. any change in the amount of land reserved for public use or the common use of lot owners;
- d. any change in any easements shown on the approved plat.

3. Waiver.

Whenever the City council, in its sole discretion, makes a finding on the record that the proposes of these regulations may be served by permitting Resubdivision by the procedure established in this §1.11(3), the City council may waive the requirement of §1.11(1). The City council, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

- a. The name and legal description of the subdivision affected by the application;
- b. The proposed changes in the final subdivision plat;
- c. The place and time at which the application and any accompanying documents may be reviewed by the public;
- d. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and
- e. The place and time of the public meeting at which the City council will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision.

4. Procedure for Subdivisions When Future Resubdivision is Indicated.

Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the City council may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

1.12 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this city. The developer has the duty of compliance with reasonable conditions laid down by the City council for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

1.13 Variance, Exceptions, and Waiver of Conditions

1. General.

Where the City council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the City council may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City council shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- d. The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

2. Conditions.

In approving variances, exceptions, or waivers of conditions, the City council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.

3. Procedures.

A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.14 Enforcement, Violations, and Penalties

1. General.

- a. It shall be the duty of the Building Inspector to enforce these requirements and to bring to the attention of the City council any violations thereof.
- b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the City council in accordance with the provisions of these regulations and filed with the Clerk of the Superior Court of _Barrow_ County.
- c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- d. No building permit shall be issued for the construction of any building or structure located on

a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

2. *Violations and Penalties.*

Any person who violates any of these regulations shall be subject to a fine of not more than \$500.00, or imprisonment for a term not exceeding six (6) months, or both. Each day a violation continues is a separate offense.

3. *Civil Enforcement.*

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

1.15 Appeals

Appeals from decisions rendered by the City council shall be filed with the City council or their designated authority within thirty (30) days of the date of the City council's decision or the right to appeal is lost.

ARTICLE II. DEFINITIONS

2.1 Generally

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. Words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The word "person" includes a "firm," "association," "organization," "trust," "company," or "corporation" as well as an "individual." The word "building" includes the word "structure."

2.2 Words and Terms Defined

When used in this ordinance, the following words and phrases shall have the meaning given in this section:

Alley. A platted service way providing a secondary means of access to abutting properties.

Applicant: The owner of land proposed to be subdivided or his/her representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond. Any form of a surety bond in an amount and form satisfactory to the City council. All bonds shall be approved by the City council whenever a bond is required by these regulations.

Building. Any structure, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

Building Inspector. The authorized Building Inspector for Name of Statham.

Building Line. A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

Building Permit. A written permit issued by the Building Inspector.

Central Water System. A private water system formed by a developer to serve a new subdivision in an outlying area. It includes water treatment and distribution facilities.

Central Sewerage System. A private sewerage system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the city by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City Attorney. The attorney so designated by the City council.

City Engineer. The engineer so designated by the City council.

Collector Road. A road intended to move traffic from local roads to secondary arterials. A collector road

serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

City. The City of Name of Statham.

City Clerk. The City Clerk for Name of Statham.

Common Ownership. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock broker, partner, or associate, or a member of his family owns an interest in each corporation, firm partnership, entity, or unincorporated association.

Comprehensive Plan. The Joint City/County Comprehensive Plan for Barrow County and the cities of (_____), (date) , and as may be amended or updated.

Construction Plans. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City council as a condition of the approval of the plat.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot

Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

County Sanitarian. The sanitarian for _____ County, Georgia.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises in order to undertake subdivision development.

Drainage Easement. An area set aside for the purpose of transporting storm water. Maintenance of the easement is the responsibility of the private property owner unless dedicated to and accepted by the City.

Engineer. A registered, professional engineer licensed by the State of Georgia.

Easement. A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Final Plat. The map of a subdivision to be recorded after approval by the City council and any accompanying material as described in these regulations.

Frontage. The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Frontage Street. The street coincident to the front boundary line of the parcel.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Health Department. The _____ County Health Department.

Household. Any person or persons who reside or intend to reside in the same housing unit.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer or ownership, or possession, or for building development.

Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot.

Lot, Double Frontage. A lot having frontage on two (2) streets as distinguished from a corner lot.

Lot, Corner. A lot abutting two (2) or more streets at their intersection where the interior angle of the intersection does not exceed one hundred and thirty-five degrees (135°).

Major Subdivision. All subdivision not classified as minor subdivisions, including but not limited to subdivisions of four(4) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements.

Master Preliminary Plat. That portion of a preliminary plat submitted in connection with a multi phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

City council. The City council for the City of Name of Statham.

Minor Subdivision. All subdivisions not classified a as minor subdivision, including but not limited to subdivision of three (3) lots provided that:

1. Each lot in the proposed subdivision abuts an existing street for a minimum distance of one hundred (100) feet and the depth shall not exceed three (3) times the width.
2. The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
3. The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of these Regulations and all other ordinances and resolutions of Name of Statham.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during this use as a model.

New Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City's water or sanitary sewer system.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Official Map. The map established by the City council pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions to adopted by the City council resulting from the approval of subdivision plats by the Council and the subsequent filing of approved plats.

Official Submission Date. The date of the meeting of the City council at which the public hearing on approval of a sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval,

conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.

Open Spaces. A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Open space shall be substantially free of structures, but may contain such improvements as are in the plans as finally approved and are appropriate for the benefit of residents of the development. Unless dedicated and accepted by the City council, city maintenance shall be the responsibility of all property owners within the subdivision.

Owner. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parcel. A general term including all plots of land shown with separate identification on the official tax maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Phased Subdivision Application. An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the City council for approval.

Public Hearing. An adjudicatory proceeding held by the City council preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

Public Improvement. Any drainage, ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility or liability, for maintenance or operation, or which may effect an improvement for which City responsibility and liability is established.

Public Utilities. An entity engaged in regularly supplying the public with some commodity or service which (1) is of public consequence or need, such as electricity, gas, water, transportation, or telephone services; (2) are regulatory and controlled by a state or federal regulatory commission; and (3) often have the power of eminent domain.

Resubdivision. Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, watermain, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lot or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center

line of the street.

Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

Setback. The distance between a building and the street line nearest to the building.

Sketch Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the City council as to the form of the plat and the objectives of these regulations.

Street. Streets within (Name of Statham) shall be classified s to one of the following:

1. Arterial: An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.
2. Collector: As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street may also accommodate public transit such as buses.
3. Subcollector: The subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street. Subcollectors usually serve more dwellings than an access street and carry a small volume of through traffic to one or more access streets.
4. Access: Sometimes called a place or land, the access street is designed to conduct traffic between dwelling units and higher order streets. The access street usually carries no through traffic and includes short streets, cul-de-sac, and courts. Access streets are noteworthy for their complete lack of

through
traffic and
for the fact
that they
serve only
a few
dwelling
units.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develops or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion.

Surveyor. A registered, practicing surveyor, licensed by the State of Georgia.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the City council for approval and which, if approved, may be submitted to the Clerk of the Superior Court for _____ County for filing.

Variance. A modification of the terms of these Regulations where such modification will not be contrary to the public health, safety and welfare; where, owing to conditions peculiar to the property, not the result of actions of the subdivider or owner, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

ARTICLE III
PRELIMINARY PLAT PROCEDURE
MAJOR SUBDIVISION

SECTION 3.1 PROCEDURE FOR PRELIMINARY PLAT APPROVAL FOR MAJOR SUBDIVISION

Following the preapplication review of a proposed major subdivision and the payment of a nonrefundable fee, the subdivider shall submit to the Planning and Zoning Office, with the Environmental Health Specialist Certificate of Approval or Environmental Protection Division, at least fifteen (15) working days prior to their next regular workshop meeting, the following:

1. Application

A letter requesting review and approval of a Preliminary Plat and giving the name, address and phone number of a person to contact, accompanied by a receipt signed by the Planning and Zoning Administrator, stating that a non-refundable fee has been paid by the applicant for major subdivision plat review, the fee being as follows:

Subdivision and Preliminary Plats. Two Hundred fifty (\$250.00) plus Twenty-Five Dollars (\$25.00) per lot over 10 lots.

2. Preliminary Plat

Ten (10) copies of the preliminary plat and any other related documents to be utilized as follows:

- a.. Zoning Official(s);
- b. Planning and Zoning
- c. EPD, County Sanitation, if needed
- d. City Council
- e. Engineering Review

The original copy shall be returned to the subdivider or his agent with a notation of the action taken by the City of Statham Council.

3. Review

Planning and Zoning shall review the Preliminary Plat for conformance to this Ordinance. Following the review Planning and Zoning Office shall report the recommendations to the Council for approval or disapproval of the plat. Thereafter, the council shall at their regular meeting approve; approve subject to modifications, table, or disapprove the Preliminary Plat.

If approval is given subject to modifications, the required modifications shall be provided to the applicant in writing. All modifications shall be made on the Plat prior to final approval of the Preliminary Plat and issuance of any necessary permits.

If the Preliminary Plat is disapproved, the City of Statham Planning and Zoning shall notify the applicant, citing the reasons for disapproval.

The action of the council shall be noted on the copies of the Preliminary Plat, and one copy shall be returned to the subdivider or his agent, one copy added to the records of the Planning and Zoning Office and one copy kept and made part of the records of the Zoning Official(s).

If action on the Preliminary Plat is not taken by the Council within two consecutive regular meetings or sixty (60) days, whichever is greater, from the date the plat is submitted to the council, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement, and request an extension in writing.

Approval of a Preliminary Plat does not constitute approval of the Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat.

Preliminary Plat approval shall expire and be null and void after a period of one (1) year unless prior to expiration, a request for an extension of time, giving the reasons for such, is made in writing by the subdivider/ developer or his representatives and is approved by the City of Statham.

4. PRELIMINARY PLAT SPECIFICATION FOR MAJOR SUBDIVISIONS

Preliminary Plats for major subdivisions shall meet the following specifications:

Scale

The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100') feet to one (1") inch.

Sheet Size

Sheet size shall be a minimum size of 17" x 22" and printed on paper consistent with current engineering practices. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

5. *Ground Elevations*

The Preliminary Plat shall show ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than twenty (20') feet.

6. *Information to Be Provided On Preliminary Plats*

The Preliminary Plat shall contain the following information:

- a. Date, Name and address of owner of record and of subdivider.
- b. Tax Parcel identification number of property to be subdivided.
- c. Proposed name of subdivision and proposed use of property to be subdivided.
- d. Vicinity map showing location of the subdivision with respect to surrounding Streets/roads, adjoining developments, and the names of owners of record of Adjoining lands.
- e. North point, numeric, and graphic scale.
- f. Exact boundary lines of the tract with bearings and distances.
- g. Total acreage, out lot acreage, if applicable, and the acreage of the smallest lot.
- h. Block letters, lot numbers, and sizes. Unit divisions or staged development, if proposed by subdivider/developer.
- i. Existing streets (with street names), easements, and utilities on and adjacent to the tract, including sewers, water mains, drainage pipes and easements and other underground structures within or immediately adjacent to the subject property.
- j. Proposed layout, including streets and alleys, to be reviewed by City of Statham or their representative (engineering Review), with proposed street names, right-of-ways, paving width, radii and tangents, cross-section and centerline profile of each street; lot lines with approximate dimensions; minimum building setback lines; easements, land to be reserved or dedicated for public uses, and any lands to be used for purposes other than single-family dwellings, including total number of units.

- k. Location, dimensions, and acreage of all property proposed to be dedicated for park, playground, or other public or private reservations, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- l. Location of existing buildings/structures or cemeteries on the tract.
- m. Location of any significant historic sites/structures, distinctive natural features, significant stands of trees, important scenic views, rock outcrops, streams, lakes, drainage ways, swamps, or land subject to flood as determined from past history of flooding by surveyor of tract or from flood plain maps of the U.S. Geological Survey.
- n. Station numbers along the centerline beginning with the Sta. 0+00 at the southern or westernmost intersection of an existing county road and denoted by upward ticks every 100 feet and cross ticks with the corresponding Sta. No.'s every 500ft. A Sta. No. to the nearest one foot at the intersection of each street or alley. That Sta. No. will be equal to Sta. 0+00 of the street or alley. The terminating Sta. No. of a cul-de-sac will be the radius point.
Cross-section, profile grade, and finish grade profile in critical areas as determined by the engineering review. Angles of deflection and radii for curves, angles of Intersections, radii, and lengths of tangents.
- o. Provisions for water supply, sewerage, and Storm Water Management, to be reviewed by the County Sanitarian or EPD, and Planning and Zoning Department.
- p. Inscription stating "NOT FOR FINAL RECORDING"

17. The following certification:

- a. **An Engineer's or Surveyor's Certification**, directly on the Preliminary Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of City of Statham have been fully complied with.

By: _____

Registered C.E. No. _____

Registered GA. Land Surveyor, No. _____

- b. A Certificate of Approval by the Barrow County Health Department, or EPD signed and dated by the County Sanitarian, shall be inscribed on the Plat.

- c. A Certificate of Approval of the Preliminary Plat by the City of Statham Council shall be inscribed on the Plat as follows:

Pursuant to the Land Subdivision Regulations of the City of Statham all The requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Approval by the City of Statham on _____, 20_____.

This Preliminary Approval does not consist approval of Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on:

Date (One year from preliminary approval)

Planning and Zoning

Mayor, City of Statham

Soil Erosion and Sedimentation Plan

A soil erosion and Sedimentation Plan, as required, must be submitted after the Preliminary Plat review by Planning and Zoning.

3.2 FINAL SUBDIVISION PROCEDURE

1. APPLICATION FOR FINAL PLAT APPROVAL

The subdivider/developer shall submit an application for Final Plat Approval within one (1) year from the date of tentative approval of the Preliminary Plat by the City of Statham. Failure to submit a Final Plat within the one (1) year period following approval of the Preliminary Plat shall void the Plat. A extension for a period not to exceed six (6) months may be granted by the City Council, if prior to expiration, a written application for such extension stating the reasons for the request, is made by the subdivider/developer or his representatives.

The subdivider/developer shall submit to Planning and Zoning Office at least ten (10)days prior to their next regular council meeting:

- a. A letter requesting review and approval of a Final Plat and giving the name, address, and telephone number of the person to contact, accompanied by a receipt signed by the Clerk of the City of Statham indicating that all applicable fees have been paid in full.
- b. Ten copies of the Final Plat, the original of which shall be drawn in ink on quality paper consistent with current engineering practices, and other related documents including, where appropriate, surety for completion of the required improvements as specified in Section ---- **Final Plat Specifications for Major Subdivisions**, of this article, and in **Article X-Surety For Completion And Maintenance Of Improvements**, of this Ordinance.

2. REVIEW FOR FINAL PLAT

At its workshop the City Council shall check the Final Plat for conformance with the tentatively approved Preliminary Plat and with which rules and regulations of this Ordinance. Notice of the time and place of said meeting shall be sent by Planning and Zoning to the person designated in the letter requesting Final Plat review and approval, not less than seven (7) days prior to the date of the Planning and Zoning review. Following the review, Planning and Zoning shall report the recommendations to the City Council for the approval or disapproval of the Final Plat. The applicant shall be notified of the results of the Planning and Zoning and City Council review.

After reviewing the Final Plat and the recommendations of the Planning and Zoning, the City Council at their regular meeting shall approve or disapprove the Final Plat and the applicant shall be notified of the results. The action of the City Council shall be noted on the original tracing and all prints of the Final Plats, shall include a statement of the reasons for the decision, if the Final Plat is disapproved. One copy of the Plat shall be retained for the records of Planning and Zoning and one copy retained for the records of the Zoning Official(s). If action is not taken by the City of Statham within two consecutive meetings or thirty(30) days, whichever is greater, from the date of submission to the City of Statham the final plat shall be considered approved And a Certificate of Approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent in writing to an extension of time.

3. PLAT REVISIONS PROHIBITED

No change, erasure, or revision shall be made on any Preliminary or Final Plats, nor on accompanying data sheets after approval by the City of Statham. In no case shall the City of Statham approve a revision unless the fact that it is a revised plat is clearly stated thereon.

4. RECORDING THE FINAL PLAT

Upon approval of the Final Plat, it shall be recorded in the Office of the Clerk of Superior Court of Barrow County. The applicant shall be responsible for the recording of such Final Plat in the Office of the Clerk of Superior Court.

5. FINAL PLAT SPECIFICATIONS FOR MAJOR SUBDIVISIONS

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

6. Additional Information To Be Provided On The Final Plat

The Final Plat shall be clearly and legibly drawn in permanent ink or blue line on material Recommended by the Clerk Of Superior Court. Sheet sizes shall be a minimum of 17"x 22" and where more than one sheet is required, an index map shall be required on the same size sheet.. The Final Plat shall show:

- a. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three) shall be accurately described on the plat.
- b. Municipal, County and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
- c. Exact boundary lines of the tract, determined by a field survey.

- d. Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
- e. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- f. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minute.
- g. Lots numbered in numerical order and lettered alphabetically.
- h. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- i. Accurate location, material and description of monuments and markers.
- j. A statement, either directly on the Plat or in an identified attached document, of any private deed restrictions (covenants) which the developer intends to apply to the subdivision. All deed restrictions shall meet or exceed the requirements contained in these regulations.
- k. The following Certification:

- 1. a. An **Engineer's or Surveyor's Certification**, directly on the Final Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual Survey of the property by me and under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Georgia, have been fully complied with.

By: _____

Registered C.E. No. _____

Registered GA Land Surveyor, No. _____

- b. An **Owner's Certification** directly on the Plat as follows:

Owner's Certification:

State Of Georgia, City of Statham

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, county and city taxes or other assessments now due on this land have been paid.

Agent _____ Date _____

Owner _____ Date _____

- c. **Certificate of Dedication.** A certificate by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the Final Plat (not necessary for subdivision that is platted with private streets).

Certificate of Ownership and Dedication

I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, alleys, Walkways, and other open spaces to public use as noted.

Date: _____, 20 ____.

Owner: _____

d. Certificate of Receipt of Surety for Required Improvements.

Where appropriate, the following form shall be printed directly on the Final Plat as follows:

I hereby certify that a security bond or certified check in the amount of \$ _____ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer.

Date: _____, 20 ____.

Mayor, City of Statham

e. Certification of Individual Private Water and/or Sewer System, directly on the Final Plat as follows:

I hereby certify that the individual private sewerage collection and disposal system and the individual water supply and distribution systems installed or to be installed, and/or the plans for private sewage disposal system in the subdivision plat attached hereto meet the requirements of the Health Department.

Lot number(s) _____

is (are) not approved for private sewage disposal systems.

Date: _____, 20 ____.

Health Officer

f. Certificate of Recommendations

I hereby certify that the subdivision plat shown hereon has been found to comply with the land subdivision regulations of City of Statham Georgia, and that it is recommended to the City of Statham for approval.

Date _____, 20 _____.

Planning and Zoning Administrator

g. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of City of Statham, Georgia and that it has been approved by the City of Statham for recording in the Office of the Clerk of Superior Court of Barrow County.

Date _____ 20 _____

Mayor, City of Statham

ARTICLE III. ADOPTION

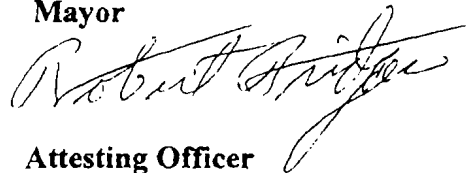
3.10 Effective Date

These regulations shall take effect and be in force ~~from and after the~~ immediately day of its adoption, public welfare demanding it.

Adopted and approved by the city Council on the 18th day of September, 2007

APPROVED:

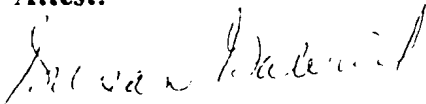
Mayor



Attesting Officer

Title:

Attest:



City Clerk

ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4.1 General Improvements

1. *Conformance to Applicable Rules and Regulations.*

In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:

- a. All applicable statutory provisions.
- b. (Name of Statham)'s zoning ordinance, building and housing codes, and all other applicable laws of the appropriate Stathams.
- c. The Official Map, Public Utilities Plan, and Capital Improvements Program of (Name of Statham), including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted.
- d. The special requirements of these regulations and any rules of the Health Department and/or appropriate state or substate agencies.
- e. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting street.
- f. The standards and regulations adopted by the City Engineer and all boards, commission, agencies, and officials of the city.
- g. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations established in Section 1.3 of these regulations.

2. *Adequate Public Facilities.*

No preliminary plat shall be approved unless the City council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the City council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewerage, water service, schools, police stations, and fire stations.

- a. Periodically the City council will establish by resolution, after public hearing, guidelines for the determination of the adequacy of public facilities and services. To provide the basis for the guidelines, the City Engineer must prepare an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services. The City council must require any changes in preliminary plat approval criteria it finds appropriate in light of its experience in administering these regulations.
- b. The applicant for a preliminary plat must, at the request of the City council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.
- c. *Comprehensive Plan Consistency Required.* Proposed public improvements shall conform to and be property related to the comprehensive plan and all applicable capital improvements plans.

- d. *Wastewater.* All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- e. *Stormwater Management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The city may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.
- f. *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
- g. *Extension Policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, waterlines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The city may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

3. Self-Imposed Restrictions.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat, or the City council may require that restrictive covenants be recorded with the Clerk of the Superior Court in a form approved by the City Attorney.

4. Plat Straddling Municipal Boundaries.

Whenever access to the subdivision is required across land in another local government, the City council may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

5. Monuments.

The applicant shall place permanent reference monuments in the subdivision as required in these regulations and as approved by a Registered Land Surveyor.

- a. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- b. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line,

those points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

- c. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.
- d. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and seven-eighths ($\frac{7}{8}$) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
- e. All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- f. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the City council recommend approval of the final plat.

6. *Character of the Land.*

Land that the City council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public, health, safety, and welfare.

7. *Subdivision Name.*

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The City council shall have final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

8. *Large Scale Development.*

The requirements of these regulations may be modified in the case of a large-scale community, commercial or neighborhood development in excess of fifteen (15) acres that is not subdivided into customary lots, blocks, and streets. Such modifications shall conform with the purpose and intent of these regulations, and shall follow the requirements of a Planned Unit Development (PUD) as included in the Zoning Regulations of (Name of Statham).

4.2 Lot Improvements

1. *Lot Arrangement.*

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on the lots from an approved street.

2. Lot Dimensions.

Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area of the zoning district, the City council may require that those lots be arranged so as to allow further subdivision and opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angle to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of building, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

3. Lot Orientation.

The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

4. Front Yard Setback Lines.

A line meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. Any projection beyond the front building line such as uncovered porches, steps, eaves, gutters, and similar fixtures shall be subject to provisions of the Zoning Ordinance and approved or disapproved by the appropriate City official for each individual application.

5. Double Frontage Lots and Access to Lots.

- a. *Double Frontage Lots.* Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Double frontage lots which are necessary shall be required to have a no-access easement across them, preventing access to arterial or collector streets.
- b. *-Access from Major and Secondary Arterials.* Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the City council may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.

6. Soil Preservation , Grading, and Seeding.

- a. *Soil Preservation and Final Grading.* No certificate of occupancy shall be issued until final grading has been completed and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles more than two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide as

least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

- b. *Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- c. *Lawn-Grass Seed and Sod.* Sod or any approved grass seed may be used to comply with any requirements of seeding set forth herein. Lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot except for any portion left in an unaltered state. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Inspector, that respreading of soil and seeding of lawn will be done during the immediate following planting season as set for in the ordinance, and leave a cash escrow for performance in an amount determined by the Building Inspector.

7. *Debris and Waste.*

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever ever is sooner.

8. *Waterbodies and Watercourses.*

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The City council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the City Engineer.

9. *Subdivision Improvement Agreement and Security to Include Lot Improvement.*

The applicant shall enter into a separate subdivision improvement agreement secured by a letter of credit or cash escrow to guarantee completion of all lot improvement requirements including but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the City council. Whether or not a certificate of occupancy has been issued, the city may enforce the provision of the subdivision improvement agreement where the provision of this section or any other applicable law, ordinance, or regulation have not been met.

4.3 Roads

1. General Requirements.

- a. *Frontage on Improved Roads.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, unless such street is:
 - i. an existing state, county, or city highway; or
 - ii. a street shown upon a plat approved by the City council and recorded in the office of the Clerk of the Superior Court. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Official Map Plan.

Where the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

- b. *Grading and Improvement Plan.* Roads shall be graded and improved and conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
- c. *Classifications.* All roads shall be classified as either arterial, collector, subcollector, or access. In classifying roads, the City shall consider projected traffic demands after 20 years of development.
- d. *Topography and Arrangement .*
 - i. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades to the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - ii. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map and/or Comprehensive Plan.
 - iii. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - iv. Minor or local streets shall be laid out to conform as much as possible to the topography to discourage use by through-traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - v. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

- vi. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
 - vii. In business and industrial developments, the streets and their access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- e. *Blocks.*
- i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
 - ii. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
 - iii. In long blocks the City council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
 - iv. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the City council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the City council for prospective use.
- f. *Access to Primary Arterials.* Where a subdivision borders on or contains an existing or proposed primary arterial, the City council may require that access to such streets be limited by one of the following means:
- i. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - ii. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel streets, with the rear lines of their terminal lots backing onto the primary arterial.
 - iii. A marginal access or service road (separated from the primary arterial by a planning or grass strip and having access at suitable points).
- g. *Road Names.* The sketch plat as submitted shall indicate any names for proposed streets. The City Clerk may consult the local postmaster prior to the City council's determination. Names shall be sufficiently different in sound and spelling from other road names in the city so as not to cause confusion. A road which is, or is planned as a continuation of an existing road shall bear

the same name.

- h. **Road Regulatory Signs.** The applicant shall deposit with the city at the time of final subdivision approval the sum of fifty dollars (\$50) for each road sign required by the City Engineer at all road intersections. The city shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Engineer.
- i. **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed streets in such a manner as to deny access from adjacent property to the street.
- j. **Construction of Roads and Dead-End Roads.**
 - i. **Construction of Roads.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the City's traffic plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutments whenever the street is continued. The City council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
 - ii. **Dead-End Roads (Permanent).** Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the City council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the City council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

2. Design Standards.

- a. **General.** In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required and shall be planned for and provided by the subdivider, prior to the approval of the final plat. Road classifications may be indicated in the Comprehensive Plan; otherwise, they shall be determined by the City council.

b. *Rights-of-Way.*

- i. Minimum Street Rights-of-Way. Minimum street right-of-way width, if curb and gutter is provided, shall be as follows:

Arterial	64 feet
Collector	54 feet
Subcollector	50 feet
Access		
residential	50 feet
commercial	50 feet

If curb and gutter is not provided, minimum street right-of-way width must be increased to a minimum of 60 feet.

- ii. Additional Right-of-Way. Right-of-way widths in excess of the standards, designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate cut slopes. Such slopes shall not be in excess of three-to-one.

c. *Street Pavement Widths.* Street pavement widths shall be as follows:

Arterial	24 feet
Collector	24 feet
Subcollector	20 feet
Access		
residential	20 feet
commercial	20 feet

If pavement width exceeds 20 feet, then right-of-way width must be increased proportionally.

d. *Paving Requirements.*

- i. Clearing and Grubbing Right-of-way. This work shall consist of removing and disposing of all vegetation and debris within five (5) feet of the pavement edge to a depth of at least three (3) feet below finished subgrade. All stump holes shall be back filled below finished subgrade. All stump holes shall be back filled with a suitable material, Class I or II soil.
- ii. Subgrade. This work shall consists of placing, mixing, compacting and shaping the top six (6) inches of soil. This work also includes subgrade stabilization.
- iii. Compaction. The entire surface shall be plowed, harrowed and mixed to a depth of at least six (6) inches. After the material has been thoroughly mixed, the subgrade shall be compacted at ninety (90) percent of the maximum density. Sheepfoot rollers are required. Compaction test shall be at five hundred (500) feet intervals and at every two (2) feet of fill material. Any areas that do not meet with the specified compaction shall be excavated and replaced with suitable material. Test results shall be submitted to the City council as conducted. All costs for compaction tests shall be incurred by the developer.
- iv. Subgrade Material. The material shall consist of Class I or II soil. If such material is not available on site, it shall be furnished by the developer.
- v. Base. All streets shall have a six (6) inch crusher run stone base or a four (4) inch compacted asphaltic concrete base.

- vi. Paving. All streets shall have a two (2) inch Plant Mix asphalt Type "E" or "F" top weaving surface applied to a properly prepared base.
- e. *Shoulder Requirements*. The street right-of-way shall be graded six (6) feet or if sidewalks are installed then one (1) foot behind the outer edge of the sidewalk, measured from the back of curb or edge of pavement on both sides of the street. Utilities and water lines shall not be installed between curve and outside of drainage ditch, to prevent the encroachment of driveways into the street surface, and to provide walk-ways off the paved vehicular surface; provided, however, the City council may waive this requirement in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this provision would be impractical. Topsoil, striped and stock piled before paving, shall be spread at a minimum depth of four (4) inches in preparation of the seedbed. The soil shall be thoroughly broken, well pulverized, smoothed and firm before planting. Shoulder shall be seeded with bermuda applied at a rate of two pounds per one thousand square feet (2 lb./1000 sq.ft.) or fescue applied at a rate of five pounds per one thousand square feet (5 lb./1000 sq.ft.). Mulch shall be used on all seeded areas.
- f. *Culverts*. Pipe size shall be determined by standard engineering practices. All pipes shall be bituminous coated. A flared-end-section shall be attached to all pipe openings.
- g. *Railroads and Limited Access Highways*. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
 - i. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
 - ii. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
 - iii. When streets parallel to the railroad right-of-way intersect a street which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradient.
- h. *Intersections*.
 - i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City council.
 - ii. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterials, their alignments shall be continuous.

Intersection of arterials shall be at least eight hundred (800) feet apart. All other street intersections must be separated from each other by at least 125 feet.

- iii. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- iv. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- v. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- vi. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
- i. *Linear Street Grades:* Maximum and minimum linear street grades shall be as follows:

Arterial Street - not more than six (6) percent.

Collector Street - not more than eight (8) percent.

Subcollector Street, Access Streets, and alleys - not more than ten (10) percent.

No linear street grade shall be less than one (1) percent.

- j. *Horizontal Curvature:* The radii of center line road curvature shall be as follows:

Arterial	300 feet
Collector	200 feet
Subcollector	200 feet
Access	100 feet

- k. *Vertical Alignment:* There shall be horizontal sight distance at all street intersections, when measured from a height of six (6) feet, according to the following:

Arterial	400 feet
Subcollector	300 feet
Subcollector	200 feet
Access	150 feet

Where two (2) or more streets of different classifications intersect, the sight distance requirement for the highest classification shall be used.

- l. *Cul-de-sacs:* The length of all cul-de-sacs shall not exceed twelve (12) times the minimum required lot width or 1,200 feet, whichever is less. Large cul-de-sacs may be approved by the City council if topographic conditions pose development constraints or unusual platting exists. Such approvals must be with the consent of the Fire Marshall. For a residential subdivision, the minimum radius for the paved area of a circular turnaround is 30 feet. An off-center turnaround is preferred as it creates visual variety and improves turning ease for the driver. For a non-residential subdivision, the minimum radius for the paved area of a circular

turnaround is 50 feet.

- m. *Private Access Drives:* Private access drives shall be permitted to serve no more than two (2) land-locked residential lots where, due to special problems created as a result of necessary unusual platting configuration, or as a result of special physical features, the property could not otherwise be developed. No more than one such drive shall be approved per subdivision development and must be approved as part of the sketch plat. These drives are exempt from paving requirements. Private access drives shall have the same right-of-way as is required for local streets.
- n. *Alleys:* Alleys serving residential lots or dwellings may be required for loading at the rear of all lots designated for business and industrial use. Dead-end alleys are prohibited.
- o. *Slope Maintenance Easement:* A slope maintenance easement shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
- p. *Primary Highway System:* Whenever a proposed subdivision abuts an arterial road or major collector, an access road or lane with curbing extending the full length of the subdivision along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road or lane highway.
- q. *Visibility:* Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to comply with the sight distance required of these regulations.
- r. *Driveways:* Driveways shall have a slope of not more than a positive or negative twelve (12) percent for a distance of ten (10) feet measured along the driveway center line from the right-of-way line, and must be a minimum of six (6) inches above the elevation of the gutter line.
- s. *Sidewalks:* The inclusion of sidewalks within subdivisions is encouraged. When included, sidewalks shall be within the dedicated non-paved right-of-way of all roads within the subdivision. Concrete curbs are required for all roads where sidewalks are to be installed. The minimum paved width of sidewalks shall be four (4) feet and a median strip of grasses or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

3. *Slopes.*

- a. *General Requirements:* Development of subdivisions is to be accomplished with minimal earth moving and disruption to the natural topography of the site. It is the intent of these Regulations that existing or man-made slopes be modified or designed in such a way as to minimize potential for erosion and to minimize ease of maintenance. Subdivision development shall conform to provisions of the Erosion and Sediment Control Ordinance.
- b. *Design Standards.*
 - i. No existing or proposed cut or fill slope shall exceed three (3) horizontal units to one (1) vertical unit within eleven (11) feet of the edge of pavement or back of curb. If the distance is greater than (11) feet, the slope may be greater than three-to-one (3:1) up to a maximum to one (1) vertical unit, provided that all cut and fill shall be within the prescribed right-of-way of the road or slope easements. All grading as provided within this section shall be completed and approved by the City Engineer prior to the installation of any utilities.

ii. All fill slopes created for the purpose of street construction shall have a compaction of not less than 95 percent as determined by established engineering practices.

iii. Slopes flatter than those set forth in the foregoing paragraphs may be required when, in the opinion of the City Engineer, the general nature of the soil involved warrants a flatter slope. To control surface drainage on existing and proposed slopes, berm ditches may be required at the top and the intersection of the slope and ground line.

iv. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure. Such planting and other protection from erosion and failure shall be completed and shall be undertaken immediately upon creation of any slope steeper than two (2) horizontal feet to one (1) vertical foot and completed without delay in accordance with plans and specifications approved by the City Engineer. In addition, the subdivider may be required to provide a fence, hedge, guardrail or other protective device, specified by the City Engineer along ridges in excess of twenty (20) vertical feet in height and with slopes in excess of 1.5:1 (horizontal:vertical) to prevent dangerous falls for children and other residents of the subdivision. At the option of the City Engineer, the developer shall provide certified test results of compaction and any material provided at the location and frequency determined necessary by the City Engineer.

4.4 Drainage and Storm Sewers

1. Drainage.

- a. *General Requirements:* The storm water drainage system and easements shall be separate and independent of any sanitary sewer system and easement. The City council shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. Storm water runoff and storm sewer or channel design shall be designed by a method as approved by the City Engineer, and a copy of design computations shall be submitted along with the Construction Plans. Inlets shall be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow at that point. Natural drainage channels existing within a subdivision shall be improved by the subdivider to specifications approved by the City Engineer (if erosion, flooding, or hazard will be created by the continued existence thereof, as determined by the City Engineer).
- b. *Nature of Storm Water Facilities*
 - i. Location: The applicant may be required by the City Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the requirements of the City Engineer.
 - ii. Accessibility to Public Storm Sewers: When a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm water, subject to the specifications of the City Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer, the developer shall make arrangements for further storm water disposal by a public utility system at the time the final plat receives final approval.

- iii. Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The City Engineer shall approve the necessary size of the facility which has been designed by a registered Professional Engineer, based on 110 percent of the current storm runoff for the 100-year storm for culverts under streets, and the 25-year storm for all other culverts. Minimum pipe size shall be eighteen (18) inches.
- iv. Effect of Downstream Drainage Areas: The developer shall study and the City Engineer shall review and approve the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Drainage studies, together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City council shall withhold approval of the subdivision until provision has been made for other improvement of said condition. No subdivision shall be approved unless adequate drainage is provided to an adequate watercourse or facility.
- v. Dedication of Drainage Easements
 - (a) General Requirements: Where a subdivision is transversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that drainage be maintained by appropriate means of adequate width for maximum potential volume or flow.
 - (b) Drainage Easement: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across to the road. Where pipe size warrants, a ten (10) foot easement may be permitted. Easement shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Easements less than twenty (20) feet may be approved by the City Engineer. When a proposed drainage system will carry water across private land outside this subdivision and outside a natural drain, appropriate drainage rights must be secured and indicated on the plat. The applicant shall dedicate, either in fee simple or by drainage easement, land on both sides of existing watercourses, for a distance to be determined by the City Engineer. Low-lying land along watercourses suspect to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Final plats for all subdivisions shall show (or include by note) a ten (10) foot wide drainage easement along every property line whether the developer intends to channel water in these easements or not.

4.5 Water Facilities

1. General Requirements.

- a. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City Authorities.

- c. All water mains shall be at least six (6) inches in diameter. Water main extensions shall be approved by the County Health Department.
- d. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat and the cost of installing same shall be included in the improvement guarantee to be furnished by the developer.
- e. A copy of the as-built water plans shall be submitted to the City Engineer.

2. Individual Wells and Central Water Systems.

At the discretion of the City Engineer, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Health Department for its approval and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the City Engineer.

3. Fire Hydrants.

Fire hydrants shall be required for all subdivisions except those served by individual wells or central water systems. Fire hydrants shall be located no more than one thousand feet (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the Fire Marshall. To eliminate future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat. All fire hydrants shall be set plumb with outlets eighteen (18) inches above finished grade or twelve (12) inches above a finished concrete surface. All fire hydrants shall have at least two (2) two and one-half (2 ½) inch discharge outlets and one (1) four and one-half inch (4 ½) discharge outlet. All threads shall comply with local and State fire fighting equipment standards.

4. Individual Disposal System Requirements.

If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and percolation test and test holes shall be made as directed by the County Sanitarian and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the County Sanitarian. All plans shall be designed in accordance with the rules, regulations, and standards of the Health Department and other appropriate agencies.

4.6 Utilities

1. Location.

All utility facilities, including but not limited to gas, electric power, telephone, a CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the City council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

The facilities for underground utilities or conduits for their construction shall be in place prior to final surfacing of streets. All facilities for utilities shall, where possible, be placed in easements provided for that purpose in the subdivision or located as approved by the City Engineer. No subdivision street shall be cut for underground utilities.

2. Easements.

Utility easements for electric and telephone service lines, sewerage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot shall be at least ten (10) feet wide, five (5) feet on each lot, and more if determined by the City Engineer. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

4.7 Preservation of Natural Features and Amenities

In all new development or construction, no trees with a diameter of six (6) inches or over, measured four and one-half (4-1/2) feet above ground level shall be taken down, damaged or destroyed without prior written approval of the City council. Limits of root damage shall be taken into consideration prior to such approval. Trees with a diameter of six (6) inches or over and located in buffer or setback areas shall be shown on development and/or building site plans. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so. This provision shall not apply to individual owner-occupied parcels of land.

Existing features that would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention.

4.8 Nonresidential Subdivisions

1. General.

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the City council may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the City council. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City council, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

2. Standards.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
- d. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

5.1 Improvements and Subdivision Improvement Agreement

1. *Completion of Improvements.*

Before the final subdivision plat is signed by the City council, all applicants shall be required to complete, in accordance with the City council's decision and to the satisfaction of the city's engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the City council, and to dedicate those public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

2. *Subdivision Improvement Agreement and Guarantee.*

a. *Agreement.* The City council at its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Mayor signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the City council.

b. *Covenants to Run.* The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the City council, and when necessary, the governing body, pursuant to applicable state and local laws and shall be recorded in the Clerk's Office of the Oconee Superior Court, as appropriate.

c. *Security.* Whenever the City council permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the City council.

i. Letter of Credit. If the applicant posts a letter of credit as security for the promises contained in the subdivision improvement agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in Section 5.1.(2)(a); and (3) require only that the government present the credit with a sight draft and an affidavit signed by the City Attorney attesting to the city's right to draw funds under the credit.

ii. Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to return of any of the funds except as provided in Section 5.2(2)(b); and (2) that the escrow agent shall have a legal duty to deliver the funds to the city whenever the City Attorney presents an affidavit to the agent attesting to

the city's right to receive funds whether or not the subdivider protests that right.

If and when the city accepts the offer of dedication for the last completed required public improvement, the city shall execute a waiver of its right to receive all but twenty-five percent (25%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.

3. *Costs of Improvements.*

All required improvements shall be made by the developer, at his/her expense, without reimbursement by the local government.

4. *Failure to Complete Improvement.*

Where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the local government may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owners promise to complete improvements in the subdivision; (5) exercise any other rights available under the law.

5. *Acceptance of Dedication Offers.*

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the governing body. The approval of a subdivision plat by the City council, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on the plat.

5.2 Inspection of Improvements

1. *General Procedure and Fees.*

The City council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the city an inspection fee based on the estimated cost of inspection, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the Mayor unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Building Inspector finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.

2. *Release or Reduction of Security.*

- a. *Certificate of Satisfactory Completion.* The governing body will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the City Engineer has submitted a certificate stating that all required

improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimension, materials, and other information required by the City council or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Attorney and City Engineer, the City council shall thereafter accept the improvements for dedication in accordance with the established procedure.

- b. *Reduction of Escrowed Funds and Security.* If the security posted by the subdivider was a cash escrow, the amount of the escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount. Funds held in escrow account shall not be released to the subdivider, in whole or in part, except upon express written instruction of the city attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the City Attorney shall execute waivers of the city's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

5.3 Escrow Deposits for Lot Improvements

1. Acceptance of Escrow Funds.

Whenever, by reason of the season of the year, any lot improvement required by the subdivision regulations cannot be performed, the Building Inspector may issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of the lot improvements. The subdivision improvement agreement and security covering the lot improvements shall remain in full force and effect.

2. Procedures on Escrow Fund.

All required improvements for which escrow monies have been accepted by the Building Inspector at the time of issuance of a certificate of occupancy shall be installed by the subdivider within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of the time period, the Building Inspector shall give two (2) weeks written notice to the developer requiring him/her to install the improvements, and if they are not then installed properly, the Building Inspector may request the City council to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Building Inspector, the developer shall obtain and file with the Building Inspector prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Inspector to install the improvements at the end of the nine-month period if the improvements have not been duly installed by the subdivider.

5.4 Maintenance of Improvements

- The developer shall be required to maintain all required public improvements on the individual subdivided lots until acceptance of the improvements by the City council. If there are any certificates of occupancy on a street not dedicated to the city, the city may effect emergency repairs and charge those costs to the developer. Following the acceptance of the dedication of any public improvement by the city, the City council may, in its sole discretion require the subdivider to maintain the improvement for a period of one (1) year from the date of acceptance.

5.5 Deferral of Waiver of Required Improvements

1. The City council may defer or waive at the time of final approval, subject to appropriate condition, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
2. Whenever it is deemed necessary by the City council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the local government prior to signing of the final subdivision plat by the Mayor, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the city.

5.6 Issuance of Building Permits and Certificates of Occupancy

1. When a subdivision improvement agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the city, as required in the City council's approval of the final subdivision plat.
2. The extent of street improvements shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the offer of dedication, submit monies in escrow to the city in a sum determined by the City Engineer of the necessary final improvement of the street.
3. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the City council for the subdivision have been fully completed and the local government has accepted the developer's offers to dedicate the improvements.

ARTICLE VI. CONSTRUCTION SCHEDULE

6.1 Prior Approval

No construction activity of any kind including finished grading, installation of improvement, or building shall begin on any land subject to these regulations without prior approval of the preliminary plat and construction plans.

6.2 Grading

Grading operations limited to clearing and grubbing may commence once approval of the preliminary plat is granted.

6.3 Utilities

Utility installation shall not occur until the City Engineer has received the certification that the streets were graded as designed by the design engineer and has approved the rough grade of the street and shoulder preparation.

6.4 Inspections

Periodic inspection during the installation of the required improvements in a subdivision shall be made by the City Engineer to insure conformity with the approved plans and specifications. The subdivider shall notify the City Engineer when each phase of the installation is completed and ready for inspection.

6.5 Sale and Transfer

No lot or parcel of land shall be sold or transferred or a building permit issued until the final plat, of which said lot or parcel is a part, shall have been approved and recorded as provided for in the regulations.

6.6 Building Permits

The Building Inspector shall not issue any permit for the construction of any building or structure to be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of these regulations, until such plat shall have been approved and recorded as provided for in the regulations.

6.7 Occupancy

Within each phase of development, no building may be occupied for dwelling or other purposes, nor shall an occupancy permit be issued for any building until required utility installations, including the water supply and sanitary sewer systems, have been completed and approved by the City Engineer.

ARTICLE VII. ADOPTION

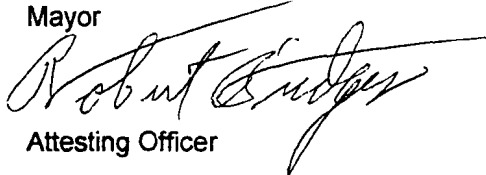
7.1 Effective Date

These regulations shall take effect and be in force from and after the _____ day of its adoption, the public welfare demanding it.

Adopted and approved by the City council on the 16th day of Aug., 192005.

APPROVED:

Mayor



Attesting Officer

Title MAYOR

Attest:

Susan Gabriel
City Clerk

CITY OF STATHAM
COUNTY OF BARROW
STATE OF GEORGIA

**ORDINANCE
REGARDING
GEORGIA STATE MINIMUM STANDARD CODES
FOR CONSTRUCTION**

ORDINANCE NO. _____

AN ORDINANCE REGARDING ENFORCEMENT OF THE GEORGIA STATE MINIMUM STANDARD CODES FOR CONSTRUCTION; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia State Minimum Standard Codes for Construction promote the life, health, safety and general welfare of all citizens, and;

WHEREAS, said Codes are also designed to protect the property of all citizens, and;

WHEREAS, it is the desire of Mayor and City Council to enforce and/or adopt and enforce, in all respects, the various Georgia State Minimum Standard Codes for Construction, and;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council that it is the intent of the City of Statham to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

- 2006 International Building Code
- 2006 International Residential Code (One and Two Family Dwellings)
- 2006 International Plumbing Code
- 2006 International Mechanical Code
- 2005 National Electric Code
- 2006 International Property Maintenance Code
- 2006 International Gas Code
- 2006 International Fire Prevention Code
- 2006 International Code Council Performance Code (for buildings and facilities)
- 2006 International Existing Building Code
- 2006 International Fuel and Gas Code
- 2006 International Code Council Electrical Code
- 2006 International Wildland Urban Interface Code
- 2006 International Private Sewage Code
- 2006 International Energy Conservation Code
- 2006 International Zoning Code

ORDAINED FURTHER that the following appendices of said codes, as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:

Standard Building Code: All Appendices
Standard Mechanical Code: All Appendices
Standard Plumbing Code: All Appendices
Standard Gas Code: All Appendices
Standard Fire Prevention Code: All Appendices
CABO One and Two Family Dwelling Code: All Appendices

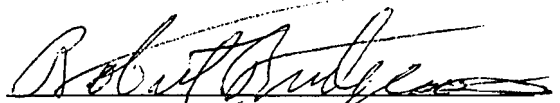
ORDAINED FURTHER that the following Codes, the latest editions as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully. It is the intent of the City of Statham to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

Standard Housing Code
Standard Amusement Device Code
Standard Excavation and Grading Code
Standard Existing Building Code
Standard Swimming Pool Code
Standard Unsafe Building Abatement Code

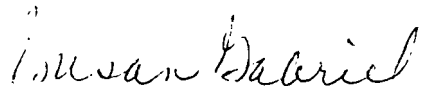
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall take effect on June 19, 2007.

ORDAINED, this 19th day of June, 2007.


Robert Bridges, Mayor

Attest:


Susan Gabriel, City Clerk

Revised 7-1-99

**ORDINANCE
ADOPTING ADMINISTRATIVE PROCEDURES FOR THE ENFORCEMENT
OF
STATE MINIMUM STANDARD CODES
FOR CONSTRUCTION**

ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT ENFORCEMENT PROCEDURES RELATING TO
BUILDING INSPECTION ACTIVITIES OF THE CITY OF STATHAM.**

WHEREAS, it is the desire of Mayor and City Council to enforce and/or adopt and enforce, in all respects, the various State Minimum Standard Codes for Construction, as adopted and amended by the Georgia Department of Community Affairs, (hereafter referred to as "the construction codes") and;

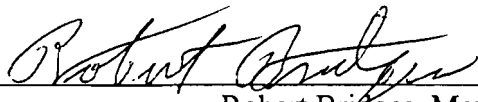
WHEREAS, a local jurisdiction is required to adopt administrative procedures in order to enforce said construction codes by the Official Code of Georgia Annotated Section 8-2-26;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council for the City of Statham that the Administrative Procedures attached hereto as Attachment "A" are adopted for the enforcement of the State Minimum Standard Codes for Construction in the City of Statham.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall become effective on June 15, 2004.

ORDAINED, this 15th day of June, 2004.


Robert Bridges, Mayor

Attest:


Susan Gabriel, City Clerk

(AFFIX CITY/COUNTY SEAL)

ATTACHMENT "A"
ADMINISTRATION & ENFORCEMENT

1 PURPOSE AND SCOPE

1.1 PURPOSE

The purpose of this Section is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the State Minimum Standard Codes for Construction shall be referred to as "the construction codes".

1.2 CODE REMEDIAL

1.2.1 GENERAL. These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare -through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

1.2.2 QUALITY CONTROL. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

1.2.3 PERMITTING AND INSPECTION. The inspection or permitting of any building, system or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. the City of Statham nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

1.3 SCOPE

1.3.1 APPLICABILITY:

GENERAL. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

BUILDING. The provisions of the Standard Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, **except in one and two family dwellings.**

ELECTRICAL. The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

GAS. The provisions of the Standard Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code.

These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, **except in one and two family dwellings.**

MECHANICAL. The provisions of the Standard Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. **Except in one and two family dwellings.**

PLUMBING. The provisions of the Standard Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

FIRE PREVENTION. The provisions of the Standard Fire Prevention Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

ENERGY. The provisions of the CABO Model Energy Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

CABO ONE AND TWO FAMILY DWELLING. The provisions of the CABO One and Two Family Dwelling Code, as adopted and amended by the Georgia Department of Community

Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one or two family dwelling or any appurtenances connected or attached to such buildings or structures.

THE UNSAFE BUILDING ABATEMENT CODE. The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

1.3.2 FEDERAL AND STATE AUTHORITY. The provisions of the construction codes shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

1.3.3 APPENDICES. Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes.

1.3.4 REFERENCED STANDARDS. Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

1.3.5 MAINTENANCE. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

1.4 BUILDING DEPARTMENT

There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The Governing Body shall establish the qualifications for the Building Official and other Code Enforcement personnel.

1.4.1 RESTRICTIONS ON EMPLOYEES. An officer or employee connected with the department, except one whose only connection is as a member of the board established by Section 5.1, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.

1.4.2 RECORDS. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

1.4.3 LIABILITY. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the Construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

1.4.4 REPORTS. The Building Official shall submit annually a report covering the work of the building department during the preceding year. He/She may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

1.5 EXISTING BUILDINGS

1.5.1 GENERAL. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

1.5.2 CHANGE OF OCCUPANCY.

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.

1.6 SPECIAL HISTORIC BUILDINGS

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

2. POWERS AND DUTIES OF THE BUILDING OFFICIAL

2.1 GENERAL

The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

2.2 RIGHT OF ENTRY

2.2.1 Whenever necessary to make an inspection to enforce any of the provisions of the Construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

2.2.2 When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.

2.3 STOP WORK ORDERS

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

2.4 REVOCATION OF PERMITS

2.4.1 MISREPRESENTATION OF APPLICATION. The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2.4.2 VIOLATION OF CODE PROVISIONS. The Building Official may revoke a permit upon determination by the Building Official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

2.5 UNSAFE BUILDINGS OR SYSTEMS

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

2.6 REQUIREMENTS NOT COVERED BY CODE

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by or the construction codes, shall be determined by the Building Official.

2.7 ALTERNATE MATERIALS AND METHODS

The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the Construction codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

3. PERMITS

3.1 PERMIT APPLICATION

3.1.1 WHEN REQUIRED Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

EXCEPTION: Permits shall not be required for the following mechanical work:

1. any portable heating appliance;
2. any portable ventilation equipment;
3. any portable cooling unit;
4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;
5. replacements of any part which does not alter its approval or make it unsafe;
6. any portable evaporative cooler;
7. any self-contained refrigeration system containing 10 lb.(4.54 kg.) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

3.1.2 WORK AUTHORIZED. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

3.1.3 MINOR REPAIRS. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

3.1.4 INFORMATION REQUIRED. Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his/her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

3.1.5 TIME LIMITATIONS. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

3.2 DRAWINGS AND SPECIFICATIONS

3.2.1 REQUIREMENTS. When required by the Building Official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the

term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

3.2.2 ADDITIONAL DATA. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

3.2.3 DESIGN PROFESSIONAL. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, and I occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structures 5000 sq. ft. (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

EXCEPTION: Single family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

3.2.4 STRUCTURAL AND FIRE RESISTANCE INTEGRITY. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

3.2.5 SITE DRAWINGS. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

3.2.6 HAZARDOUS OCCUPANCIES. The Building Official may require the following:

1. **GENERAL SITE PLAN.** A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. **BUILDING FLOOR PLAN.** A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

3.3 EXAMINATION OF DOCUMENTS

3.3.1 **PLAN REVIEW.** The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Construction codes and all other pertinent laws or ordinances.

3.3.2 **AFFIDAVITS.** The Building Official may accept a sworn affidavit from a Registered Architect or Engineer stating that the plans submitted conform to the construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the Construction codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

3.4 ISSUING PERMITS

3.4.1 **ACTION ON PERMITS.** The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

3.4.2 **REFUSAL TO ISSUE PERMIT.** If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

3.4.3 SPECIAL FOUNDATION PERMIT. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

3.4.4 PUBLIC RIGHT OF WAY. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of Public Works for the lines of the public street on which he/she proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in Chapter 22 of the Standard Building Code.

3.5 CONTRACTOR RESPONSIBILITIES

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

3.6 CONDITIONS OF THE PERMIT

3.6.1 PERMIT INTENT. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the Construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

3.6.2 PERMIT ISSUED ON BASIS OF AN AFFIDAVIT. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared

the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Construction codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official.

3.6.3 PLANS. When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

3.7 FEES

3.7.1 PRESCRIBED FEES. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc. has been paid.

3.7.2 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

3.7.3 ACCOUNTING. The Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

3.7.4 SCHEDULE OF PERMIT FEES. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.

3.7.5 BUILDING PERMIT VALUATIONS. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

3.8 INSPECTIONS

3.8.1 EXISTING BUILDING INSPECTIONS. Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

3.8.2 MANUFACTURERS AND FABRICATORS. When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the Construction codes.

3.8.3 INSPECTION SERVICE. The Building Official may make, or cause to be made, the inspections required by 3.8.6 He/She may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the Construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

3.8.4 INSPECTIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Completion.

3.8.5 POSTING OF PERMIT. Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official.

3.8.6 REQUIRED INSPECTIONS. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the Technical Code:

BUILDING

1. Foundation Inspection: To be made after trenches are excavated and forms erected.
2. Frame Inspection: To be made after the roof, all framing, fireblocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.

3. Final Inspection: To be made after the building is completed and ready for occupancy.

ELECTRICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

PLUMBING

1. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
4. Note: See Section 311 of the Standard Plumbing Code for required tests.

MECHANICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

GAS

1. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

2. **Final Piping Inspection:** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

ENERGY

1. **Foundation Inspection:** be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
2. **Frame Inspection:** to be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
3. **Final Inspection:** To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

3.8.7 WRITTEN RELEASE. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

3.8.8 REINFORCING STEEL, STRUCTURAL FRAMES, INSULATION, PLUMBING, MECHANICAL, OR ELECTRICAL SYSTEMS Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

3.8.9 PLASTER FIRE PROTECTION. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

3.9 CERTIFICATES

3.9.1 CERTIFICATE OF OCCUPANCY.

3.9.1.1 BUILDING OCCUPANCY. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said Certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.

3.9.1.2 ISSUING CERTIFICATE OF OCCUPANCY. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

3.9.1.3 TEMPORARY/PARTIAL OCCUPANCY. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

3.9.1.4 EXISTING BUILDING CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the Construction codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

3.9.2 CERTIFICATE OF COMPLETION. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

3.9.3 SERVICE UTILITIES.

3.9.3.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued.

3.9.3.2 Temporary Connection. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

3.9.3.3 Authority to Disconnect Service Utilities. The Building Official shall have the power to authorized disconnection of utility service to the building, structure or

system regulated by the Construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

3.10 POSTING FLOOR LOADS

3.10.1 OCCUPANCY. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

3.10.2 STORAGE AND FACTORY-INDUSTRIAL OCCUPANCIES. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.

3.10.3 SIGNS REQUIRED. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

4. TESTS

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency.

5. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

5.1 APPOINTMENT

There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of three (3) members and one (1) alternate. The Governing Body shall appoint the Board.

5.2 MEMBERSHIP AND TERMS

5.2.1 MEMBERSHIP. The Construction Board of Adjustment and Appeals should consist of three members. Such Board members should be composed of individuals with knowledge and experience in the construction codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there should be one alternate member. A Board member shall not act in a case in which he has a personal or financial interest.

5.2.2 TERMS. The terms of office of the Board member shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The one alternate, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

5.2.3 QUORUM AND VOTING. A simple majority of the Board shall constitute a quorum. In varying any provision of the Construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

5.2.4 SECRETARY OF BOARD. The Building Official shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

5.3 POWERS

The Construction Board of Adjustments and Appeals shall have the power, as further defined in 5.4, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes.

5.4 APPEALS

5.4.1 DECISION OF THE BUILDING OFFICIAL. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of the Construction codes do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of the Construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

5.4.2 VARIANCES. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the Construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the Construction codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Construction codes to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will made possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of the Construction codes and will not be detrimental to the public health, safety and general welfare.

5.4.2.1 Condition of Variances. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the Construction codes. Violation of the conditions of a variance shall be deemed a violation of the Construction codes.

5.4.3 NOTICE OF APPEAL. Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

5.4.4 UNSAFE OR DANGEROUS BUILDINGS OR SERVICE SYSTEMS. In the case of a building, structure, or service system, which, in the opinion of the Building Officials, is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

5.5 RULES AND REGULATIONS

The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

5.5.1 DECISIONS. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the Construction codes, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of the Construction codes is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the construction codes.

7. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation

of any of the provisions of the Construction codes is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. AUTHORIZATION

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the City of Statham, GEORGIA, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of the City of Statham, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;

(4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

(5) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

(1) to protect human life and health;

(2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,

(4) to minimize expenditure of public money for costly flood control projects;

(5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) to minimize prolonged business interruptions, and;

(7) to insure that potential homebuyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Statham, Georgia.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated April 4, 1975, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Barrow County are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Statham or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1000 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Statham from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 3. ADMINISTRATION

SECTION A. DESIGNATION OF ORDINANCE ADMINISTRATOR

The Planning Department is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the City Planning Department on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

(a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Section B (2);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Planning Department_ shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the _____ Planning Department shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the __Planning Department shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 3, Section B(2).

(5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 3, Section B (2).

(6) When flood-proofing is utilized for a structure, the __Planning Department__ shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3(B)(1)(c) and Article 4(B)(2) or (D)(2).

(7) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the _____Planning Department_____ shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

(10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the _____Planning Department_____ and shall be open for public inspection.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

(b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use

of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

SECTION B. SPECIFIC STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

(1) New construction and substantial improvements - Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

(2) Non-Residential Construction - New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C.(6).

(3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:

(a) All manufactured homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

(b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 4(A)(6) above)

(d) All recreational vehicles placed on sites must either:

(i) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

(ii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4, Section B (3)(a)(c), above.

(4). Floodway - Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential.

In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway.
Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (b) ONLY if Article 4 (B)(4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION C. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES) -

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the ____ Planning Department ____ shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the

lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 4, Section A (4) "Elevated Buildings".

The Planning Department shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES) -

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), "Elevated Buildings".

The Planning Department shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3(B)(1)(c) and (3)(B)(2).

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION E. STANDARDS FOR SUBDIVISIONS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 5. VARIANCE PROCEDURES

- (A) The Mayor and Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The Mayor and Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the ___ Planning Department _____ in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Mayor and Council may appeal such decision to the Superior Court of Barrow County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.

(G) In reviewing such requests, the Mayor and Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(H) **Conditions for Variances:**

(1) A variance shall be issued ONLY when there is:

(i) a finding of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in exceptional hardship, and;

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The Planning Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(I) Upon consideration of the factors listed above and the purposes of this ordinance, the Mayor and Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE 6. DEFINITIONS (note: * data must be inserted)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"Appeal" means a request for a review of the _____ Planning Department's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

"Base flood," means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building," means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Existing construction" Any structure for which the "start of construction" commenced before February 17, 1976. [i.e., the effective date of the FIRST floodplain management code

or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 17, 1976. [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a.) the overflow of inland or tidal waters; or
- (b.) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced after February 17, 1976 and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 17, 1976 . [i.e., the effective date of the first floodplain management regulations adopted by a community].

"Recreational vehicle" means a vehicle, which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.

ARTICLE 7. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SO ORDAINED THIS 20th DAY OF July, 2004.

Robert Bridges
ROBERT BRIDGES, Mayor

ATTEST:

Susan Gabriel
City Clerk

Statham Soil Erosion And Sedimentation Control Ordinance

NOW, THEREFORE, BE IT ORDAINED,
BY THE

 CITY OF STATHAM

SECTION I TITLE

This ordinance will be known as "

 STATHAM
Soil Erosion and Sedimentation Control
Ordinance."

SECTION II DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMP's):**
A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Commission:** The State Soil & Water Conservation Commission.
5. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
6. **Department:** The Department of Natural Resources.
7. **Director:** The Director of the Environmental Protection Division of the Department of Natural Resources.
8. **District:** The OCONEE RIVER Soil and Water Conservation District.
9. **Division:** The Environmental Protection Division of the Department of Natural Resources.
10. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.
11. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
12. **Erosion and Sedimentation Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan".
13. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
14. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
15. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
16. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
17. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

18. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
19. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
20. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 *et seq.*, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
21. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
22. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
23. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.
24. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
25. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
26. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
27. **Qualified Personnel:** Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.
28. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
29. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
30. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
31. **Soil and Water Conservation District Approved Plan:** An erosion and sedimentation control plan approved in writing by the Oconee River Soil and Water Conservation District.
32. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
33. **State General Permit:** The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section

1251, et seq., and subsection (f) of Code Section 12-5-30.

34. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

35. **Structural Erosion and Sedimentation Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

36. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et. seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

37. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - Temporary seeding, producing short-term vegetative cover; or

- Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

38. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
39. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION III EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- A.
- Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
 - Granite quarrying and land clearing for such quarrying;
 - Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
 - The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section IV of this ordinance and this paragraph. For single-family residence construction

covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section IV of this ordinance and the buffer zones provided by this section shall be enforced by the issuing authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices,

shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a

project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

B. MINIMUM REQUIREMENTS/BMPs

1. Best management practices as set forth in
Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia"

SECTION IV MINIMUM REQUIREMENTS

specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed

of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the

downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

- D. Nothing contained in this chapter shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither
constitute proof of nor create a
presumption
of a violation of the standards provided for in
this ordinance or the terms of the permit.

SECTION V APPLICATION/PERMIT PROCESS

A. GENERAL

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the STATHAM without first obtaining a permit from the PLANNING DEPT. to perform such activity.
2. The application for a permit shall be submitted to the PLANNING DEPT. and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section IV B. & C. of this ordinance.

Applications for a permit will not be accepted unless accompanied by 4 copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.

3. A fee, in the amount of \$ 120 shall be charged for each acre or fraction thereof in the project area.
4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
5. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by

the District, and any variances required by Section IV C. 15. & 16. and bonding, if required as per Section V B.5. (b), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
7. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent,

alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

2. Data Required for Site Plan

- a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- b. Description of existing land use at project site and description of proposed project.
- c. Name, address, and phone number of the property owner.
- d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
- e. Size of project, or phase under construction, in acres.
- f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters**, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
- g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates.

The vegetative plan should show options for year-round seeding.

- i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
- j. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source." ~~Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by onsite inspection."~~

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the Commission pursuant to C.O.G.A. 12-7-20. The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity maps showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. or larger scale	Flat 0-2% Rolling 2-8%	0.5 or 1 1 or 2

	Steep 8% +	2, 5 or 10
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- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
 - g. Proposed structures or additions to existing structures and paved areas.
 - h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
 - i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - j. Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.
4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

D. PERMITS

- 1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- 2. No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section V B. 5. (b) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

- 3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- 4. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

SECTION VI INSPECTION AND ENFORCEMENT

- A. The INSPECTOR will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time

specified, he shall be deemed in violation of this ordinance.

- B. The PLANNING DEPT. shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- C. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- D. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- E. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified

pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII PENALTIES AND INCENTIVES

- A. **FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**
If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.
- B. **STOP-WORK ORDERS**
 - 1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing

Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 5. (b). The Issuing Authority may call the bond or any part thereof to be forfeited

and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

Any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

SECTION VIII EDUCATION AND CERTIFICATION

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

SECTION IX ADMINISTRATIVE APPEAL JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the

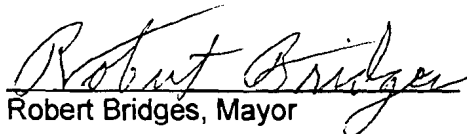
holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Mayor and Council within 30 days after receipt by the Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW

Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of

BARROW COUNTY

Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.


Robert Bridges, Mayor

ATTEST:


Susan Gabriel, Clerk

SECTION X EFFECTIVITY, VALIDITY
AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the

20th day of July 2004.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed

by

law nor impose any liability upon the Issuing Authority or District for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

of

3. No provision of this ordinance shall permit any persons to violate the

ARTICLE. VEGETATION PROTECTION AND LANDSCAPE REQUIREMENTS*

DIVISION 1. GENERALLY

Sec. 1. Purpose.

Intent of article and declaration of public policy. The guiding presumption behind this article is the belief that the natural environment has significant value in and of itself, and that all reasonable measures available should be used in the preservation of that environment, consistent with the continued development of a viable Statham.

The city council of Statham, therefore, declares it to be public policy to:

- (a) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
- (b) Assist in providing adequate light and air by preventing overcrowding of land.
- (c) Provide visual buffering and enhance beautification of the city.
- (d) Safeguard and attempt to enhance property values and, in so doing, protect private and public investment.
- (e) Preserve, protect and further the unique identity and environment of the City of Statham, and, thereby, preserve the economic base attracted to the city by such factors.
- (f) Recognize that the protection and enhancement of the natural beauty, environment, and greenspace within Statham contributes to the economy, as well as provides a truly necessary aesthetic balance to the development of an urban setting.
- (g) Conserve an ever-dwindling supply of energy, by the preservation and enhancement of the natural environment.
- (h) Protect the atmosphere, lands, and water from pollution, impairment or unnecessary destruction.
- (i) Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation. This article shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to preserve, insofar as possible, the natural and existing growth of vegetation, and to replace whenever possible the removed foliage with new vegetation.
- (j) Protect vegetation within the intermediate regional floodplain and for a minimum ten feet from the banks of those streams not having defined intermediate regional floodplain elevation contours, so as to assist in the retention of stormwater runoff and the control of erosion, including particularly the protection of stream bank stability by vegetation or restoration.
- (k) Preserve protected and specimen trees or stands of trees which are exceptional representatives of their species either in terms of size, age or unusual botanical quality, and encourage the good care of same through properly applied forestry practices.
- (l) Protect and supplement existing vegetation within greenbelts, open space, recreation areas, protected areas, and scenic roads where feasible.

Sec. 2. Definitions.

- (a) *Dripline*. A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.
- (b) *Dripline area*. The total area underneath a tree which would encompass all driplines.
- (c) *Ground cover*. Natural plant material such as vines, shrubs, or grasses which would not normally attain a height of more than two feet.
- (d) *Landscaping*. Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees and shrubs, etc., to the natural environment.
- (e) *Natural vegetation*. Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.
- (f) *Natural vegetation area*. That area within the boundaries of a given lot which is devoted to natural vegetation.
- (g) *Protected areas*. Those areas having unique biological communities including unique wildlife or exceptional vegetation possessing outstanding botanical qualities.
- (h) *Scenic roads*. Those roads designated by the city council as deserving special protection from land development because of their scenic beauty, extent of vegetation, or geological formations.
- (i) *Shrub*. A woody plant or bush of relatively low height (two to six feet), distinguished from a tree by having several stems rather than a single trunk.
- (j) *Tree*. A self supporting woody plant having one or more well-defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten feet, and a trunk diameter of at least two inches measured at a point four feet above the ground.
- (k) *Tree canopy*. Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oaks, red and silver maples, hickory, beech, pecan, sycamore, sweetgum, poplar, ash, river birch, long leaf pine, loblolly pine and Virginia pine.
- (l) *Tree, protected*.
 - (1) Any deciduous canopy tree 15 inches in diameter four feet above ground;
 - (2) Any evergreen canopy tree 18 inches in diameter four feet above ground;
 - (3) Any understory tree four inches in diameter at four feet above ground.
- (m) *Tree removal*. Means cutting, uprooting, or severing the main trunk of the tree, or any other act which causes or may reasonably be expected to cause, the death of the tree.
- (n) *Tree, specimen*. Any tree reaching the upper range of the mature diameter and height for that species of tree.
- (o) *Tree, understory*. Any tree, which is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, American holly, red cedar, and magnolia.

Sec. 3. Preservation of protected and specimen trees.

It shall be unlawful for any person or corporation to remove or cause the removal of any protected or specimen tree without having first received approval either through the process of site plan review, in the case of new development, or in the form of a tree-removal permit.

(a) *Approval through site plan review.* When site plan review by the planning commission is required for any development, the actual or schematic locations of all protected or specimen trees shall be shown on all site plans by location, species and size. The site plans shall be submitted to the city planner for evaluation and recommendation before submission to the planning commission. All site plans shall also include those requirements listed under tree removal application requirements (3(b)). Final approval of the site plan shall constitute approval for removal of any protected or specimen trees impacted by development on the site plan.

(b) *Application for permit to remove protected or specimen trees.* The application for a tree removal permit shall be on a form provided by the city for this purpose. An application for the removal of any protected or specimen trees on public or private property shall include the following:

- (1) The approximate location of the tree(s);
- (2) The diameter of the trunk of each tree, as measured four feet above natural grade level;
- (3) The approximate crown size of each tree (measured dripline to dripline) and any distinguishing characteristics of the tree(s);
- (4) The species and common name of the tree(s);
- (5) The reason for the proposed removal; and
- (6) Such other information as may reasonably be required by the city planner. This could include, but is not limited to, a professional arborist's appraisal of the tree's viability and projected life span.

Sec. 4. Action on application.

The city planner shall approve an application for the removal of a protected or specimen tree provided at least one of the following conditions is met:

- (a) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes;
- (b) The location of the tree prevents the construction of utility lines or drainage facilities which may not feasibly be relocated;
- (c) The location of the tree prevents reasonable access to the property, if no alternate access exists;
- (d) Allowing the tree to remain would impose an economic burden upon the owner of the property entirely out of proportion with the benefit gained by retaining the tree;
- (e) The tree is diseased, dead or dying to the point that repair or restoration is not practical or the disease may be transmitted to other trees; and
- (f) There is no reasonable assurance that if the tree is saved with proper construction precautions, it will continue to live as an asset to the site.

Sec. 5. Application not required[, when].

Approval for removing a protected or specimen tree is not required when at least one of the following conditions is met:

- (a) When removal of a protected or specimen tree is specifically approved by site plan review;
- (b) When any protected or specimen tree sustains unrepairable damage and, therefore, constitutes a hazard to human life or property;
- (c) When trees on commercial horticultural properties are to be removed as a direct part of the business conducted on those properties; or
- (d) When public service companies perform normal construction and maintenance.

Sec. 1106. Standards for review.

The city planner shall approve any request for removal of a protected or specimen tree when a completed application has been received and justification is made in accordance with the provisions of section 4.

In making any determination concerning an application for any protected or specimen tree removal, the city planner shall consider the following:

- (a) Desirability of preserving any tree by reason of its size, age or some other outstanding quality, such as uniqueness, rarity of species or status as a landmark;
- (b) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the tree or trees;
- (c) The heightened desirability of preserving tree cover in densely developed or densely populated areas;
- (d) The need for visual screening or buffering in areas of differing zoning or usage, or relief from glare or commercial or industrial ugliness or other affront to the visual sense;
- (e) The affect that the change in natural grade will have on the trees to be preserved;
- (f) Good forestry practice--i.e., the number of healthy trees or species of trees which the site or any portion thereof can support; and
- (g) Such other circumstances as may relate to a particular application.

Sec. 1107. Treatment and removal of infected and infested trees.

(a) [*Public property.*] If any tree on public property is infested with insects or infected with a disease detrimental to surrounding vegetation, the city may remove the tree and otherwise control such infection and infestation.

(b) *Private property.* It shall be the responsibility of any person having trees on his property to treat and/or remove any infected or infested tree.

Sec. 8. Enforcement.

Each protected or specimen tree removed without approval, as provided herein, shall be considered a separate offense which is subject to a penalty as determined by the judge of the municipal court.

For evaluation purposes, the criteria of \$100.00 per caliper inch of trunk should be used. This dollar evaluation of the damaged tree may be required to be invested on the site of commensurate replacement plantings.

It could also be considered permissible to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees is at least equal to the measurement of the protected or specimen tree which was removed.

Sec. 9. Landscape plan requirements.

A landscape plan is required for any development in Statham the development of individual lots for single-family residential purposes:

- (1) A landscape plan shall be prepared by a landscape architect registered in the State of Georgia.
- (2) All areas not devoted to structures, site development features, and natural vegetation shall be landscaped.
- (3) A landscape plan shall include one canopy tree with a minimum trunk caliper of 2 1/2 inches (at four inches from the ground) for every 1,000 square feet of permanently disturbed area on the site. An area is considered permanently disturbed if it is covered with a building, structure, or other impervious surfaces like walks, drives and patios.
- (4) A landscape plan shall include one understory tree with a minimum trunk caliper of one inch (at four inches from the ground) for every 1,000 square feet of permanently disturbed area on the site.
- (5) If significant trees are saved on a development site, then up to a 50 percent tree credit can be issued by the city. This will only be issued if the tree-save areas are considered to be aesthetically or environmentally significant by the city landscape architect.
- (6) If there are significant landscape problems on a site (for example, areas totally void of trees), the city landscape architect may not allow tree credit, even though trees may be saved.
- (7) If a development involves an addition or modification to the side or rear of an existing building or structure which is already properly landscaped, the city landscape architect may allow up to a 50 percent reduction in the canopy and understory tree requirements.
- (8) All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner.
- (9) It is recommended that no new planting should be more than 100 feet from a watering source; however, it is required that assurances, acceptable to the city landscape architect, will be provided that water will be available and appropriate watering will take place.

(10) All landscape areas within parking lots shall be 100 percent landscaped with deciduous trees, shrubs, ground cover (not requiring mowing), and/or flowers in mulched beds.

(11) Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation.

(12) Landscaping shall not obstruct the view between 24 inches high and 60 inches high on access drives, streets or parking aisles.

(13) The perimeter of all parking areas shall be landscaped. Parking areas designed to accommodate no more than 20 automobiles are not required to install interior landscaped areas like islands, peninsulas, and medians. Parking areas designed to accommodate more than 20 automobiles must install interior landscaped areas so that no more than 12 adjacent parking spaces exist without a landscaped separation of at least five feet in width. If significant tree-save areas or natural areas exist within a parking area, the city landscape architect may make an exception to this requirement, as appropriate.

(14) Screening shall be used as a buffer between incompatible uses, and to reduce the effects of headlight glare, noise and other objectionable activities. The following minimum requirements shall apply to screening:

(a) All vegetation used for screening shall be at least three feet in height at time of installation. Plants shall be spaced so as to provide for effective visual screening within three growing seasons. Planting beds required for screening shall be a minimum of six feet in width.

(b) Screening may consist of a fence, a wall, or vegetation and/or a mix of any or all of the foregoing. The outer or public side of fences and walls shall be landscaped enough to soften the structure with a tree or shrub group at least every 50 feet, subject to approval of the city landscape architect.

(c) Screening shall be installed on all lot lines where commercial, industrial, and institutional uses abut residential zoning districts except for entrances or exits.

(d) No screening shall be removed without the written permission of the city planner.

(e) Screening vegetation and fencing shall be maintained in a healthy and attractive manner.

(f) The city planner may require screening in conjunction with the issuance of a building permit not requiring plat or site plan approval.

(15) The city landscape architect, upon site inspection and conceptual landscape plan review, may require an applicant to naturalize areas which visually impact public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscape visual continuity is required.

Sec. 10. Landscape plan check sheet.

Any landscape plan required by these regulations shall contain the following information:

- (1) Title of project, address of site.
- (2) Site location map, north point, scale of drawings.
- (3) Name, address and telephone number of owner/developer.
- (4) Name and seal of landscape architect who prepared the plan.
- (5) Planting key: botanical and common name of all plant materials proposed; quantity of each species; size of plant material (caliper, height, width); condition, (i.e., balled and

burlapped, container grown, bare root, collected, etc.); and special remarks (number of stems, color or bloom, etc.).

- (6) Estimated cost of landscape improvements: _____.
- (7) Name and location of existing trees to be saved and protected during construction. Indicate all protected and specimen trees to be saved or removed.
- (8) Retention areas, drainage inlets and structures. Floodplain limits shall be shown whenever subject property is within such areas.
- (9) Show names of adjacent property owners, and adjacent land uses. Indicate all required greenbelt and screened areas.
- (10) Provide that sight distances at intersections are not obscured by planting. Keep planting below 24 inches and tree limbs above 60 inches.
- (11) Submit three copies of prints for review. One will be returned with review comments.
- (12) This note shall appear on all approved landscape plans:

APPROVED BY PLANNING department

DATE: _____

BY: _____

- (13) Show all pertinent site features: buildings, walks, drives, signs, lighting drains, meter boxes, underground utility lines, curbs, and the available water source for plant maintenance.
- (14) Show calculations on the plan for: total area, area permanently disturbed, and landscaped area (in acres and square feet). Indicate numbers of canopy and understory trees required by ordinance.

Sec. 11. Landscape plan procedures.

For any landscape plan required by these regulations, the following procedures shall be followed:

- (1) A developer shall submit to the city planner three copies of a landscape plan which meets the requirements of these regulations.
- (2) The landscape plan shall be submitted along with the required site plan and the required grading plan.
- (3) For consideration at a planning commission meeting, the landscape plan must be submitted to and accepted by the city planner at least 15 days prior to the meeting.
- (4) The landscape plan will be reviewed by the city planner. If the landscape plan does not meet the requirements of these regulations, the city planner will return the plan to the developer with comments and suggestions for correction. If the plan meets the requirements, the city planner shall place the landscape plan on the next planning commission agenda, and the city planner shall have the plan reviewed by the city landscape architect prior to that meeting.
- (5) The city planner shall submit the results of the city landscape architect's review in writing to the planning commission.
- (6) The planning commission will review the landscape plan, taking into consideration the requirements of these regulations, the city planner's report, and the city landscape architect's report.

- (7) If the planning commission approves the landscape plan, a copy will be returned to the developer with the approval inscribed thereon, along with a notation of any appropriate conditions or review comments.
- (8) If the planning commission does not approve the landscape plan, the developer may resubmit, with necessary changes, following the same procedures as if it were an original application, or he may appeal the decision using the procedures set out in section 01 of these regulations.
- (9) An approved landscape plan must be implemented prior to the issuance of a certificate of occupancy; or the developer may choose to provide the city clerk with a performance bond or other acceptable security in an amount equal to 110 percent of the city's estimated cost of the required improvements which have not been installed [are not installed] in a satisfactory manner.
- (10) Upon posting this bond or security, the developer shall have a one-year period in which to complete the required improvements in a satisfactory manner, or the bond or other security shall be forfeited and revoked, and the city shall then take whatever action is necessary to have the developer complete the required improvements as soon as possible thereafter.
- (11) When a developer has installed the required landscaping improvements, he shall request that the city planner schedule an inspection by the city landscape architect. If the city landscape architect approves the installation, he shall submit a written report to the city planner, and the project will be released for a certificate of occupancy. If the city landscape architect does not approve the plan, he shall submit a report stating his reasons for disapproval so the developer can make the necessary corrections. A fee of \$50.00 each shall be charged for any required reinspections, and the fee shall be payable in advance of the re-inspection.
- (12) The developer shall guarantee all plant materials and provide adequate maintenance of the above improvements for a minimum of one year from implementation. The city shall inspect said improvements during that period to ensure that the approved plan has been fully implemented and maintained. If the improvements have deteriorated within that one-year period, such landscaping shall be replaced by the developer.

DIVISION 2. TREE PRESERVATION ORDINANCE

Sec. 12. Purpose.

The purpose of this division is to protect, through proper care and policy, the existing urban forest in Statham by regulating and controlling the planting, preservation and replacement of trees and shrubbery on public lands within the city, thereby maintaining and enhancing the quality of life for which Statham is noted; to reconfirm that the public lands of this city and all trees and other woody vegetation thereon are and shall remain the sole and exclusive property of all of the citizens of this community for their use and enjoyment; to preserve and protect said public lands and vegetation from destruction, damage, conversion, or abuse for the benefit of ourselves and future generations; to encourage the citizens of the community to preserve and respect our urban forests and to encourage the replacement of trees on public and private lands in order to maintain this valuable resource as an integral part of this community's environment.

(a) *Administrative guidelines.* The written guidelines incorporated into this division by reference, as may be adopted, amended, altered or revised hereafter which constitutes the rules for implementation of this division.

(b) *Board of adjustments and appeals.* That body established and appointed by the city council of Statham for the purpose of hearing and deciding appeals to the administration of certain city development codes and ordinances.

(d) *Landscape plan.* A written plan with drawings by the applicant or his agent with details of tree locations, tree removals, and tree replanting, with each tree designated as to species or common name on each parcel to be developed. Plan shall comply with this tree ordinance and administrative guidelines.

TABLE INSET:

Broad Street
Jefferson street
Atlanta highway
Second street
Highway 211
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,

- (3) The city superintendent of public works;
- (4) The city planner;
- (5) The city public information specialist; and
- (6) A maximum of five (5) citizens appointed biannually by the mayor.
- (a) *Compensation.* Members of the tree board shall serve without compensation.
- (b) *Duties and responsibilities.* It shall be the responsibility of the tree board to study, develop, update and administer a written plan for disposition of trees and shrubs on public lands within the city. Such plan shall be presented annually to the mayor and city council and upon their acceptance and approval shall constitute the administrative guidelines for tree preservation and planting within the city. The tree board shall also examine plans submitted pursuant to the administrative guidelines and monitor compliance therewith. The tree board, when requested by the mayor and city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Any person dissatisfied with a decision of the tree board shall have the right, upon proper notice to the tree board, to request a hearing before the city board of adjustments and appeals. This board has been designated by the city council as the final arbiter as to the interpretation and application of this division and administrative guidelines.
- (c) *Operation.* The tree board shall elect a chairperson, a vice-chairperson and a secretary. The secretary shall maintain official minutes of all meetings and proceedings. The board shall meet as often as necessary in regular or special meetings. Meetings shall be called and conducted in accordance with the Georgia Open Meetings Law and minutes shall be maintained in accordance with the Georgia Open Records Law. A majority of active members shall be a quorum for the transaction of business.

Sec. 15. Administrative guidelines.

The tree board shall be responsible for preparing, approving and administering a set of administrative guidelines for tree preservation and planting within the City of Statham. Said administrative guidelines shall provide for the preservation and planting of trees on public lands within the City of statham and all matters relating thereto including, but not limited to, the requirements for planting and maintaining trees within the city, limitations on paving public lands for driveways or parking, use of pesticides, and applications for grading, building and change of use, permitting, and development and similar matters affecting Statham urban forest. The administrative guidelines, when approved as provided for herein, shall be considered as a part of this division and be enforceable as such. Upon the failure of the tree board to submit to the mayor and city council a new set of administrative guidelines by March 1 of each year, the existing administrative guidelines shall be considered as the guidelines for the current year.

Funding for the tree plan shall be included as a line item in the City of Statham 5-year public improvement plan, which is approved annually by the city council.

Sec. 16. Permits required.

A permit must be obtained from the city before any person, corporation, or association removes, destroys, cuts, sprays, prunes, or plants any tree on public land or performs any work or function which results in disturbing, digging into, compacting or displacing said

property, or contracts with another person or corporation to perform such acts. Cutting is defined as the removal or cutting back of limbs from trees or shrubs.

Such permit shall be in addition to all other permits, authorizations, and procedures required by law for work within or along public lands. A written plan for the planting, pruning, cutting, removal or spraying of trees or trenching on public lands must be submitted to the city planner prior to any work being performed. All such plans shall conform to the administrative guidelines. Failure to submit such a plan and/or commencing work on public lands without the aforesaid permit shall be considered a violation of this division. If the plan, as submitted, shall be approved by the city planner, the building official or his designee shall issue the permit. Any application for a permit that is not denied in writing within ten business days of its submission shall be deemed to be granted. The city may impose such permit fees as approved from time to time by the mayor and city council.

Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions should be reported to the city for corrective action. Likewise, it shall be a violation of this division for any person to attach to any tree on public land any rope, wire, chain, sign or other device whatsoever.

Individual permits shall be required for the City of Statham, licensed public utilities, or the Georgia Department of Transportation, in accordance with the preservation and protection requirements contained in this division and the administrative guidelines. Public and private utilities, which maintain and install overhead and underground utilities, including CATV, water, sewer, etc., shall be required to accomplish all such work on public lands subject to this division and administrative guidelines to ensure proper pruning and cutting of trees, including roots.

Sec. 17. Administrative review.

Any person may appeal any adverse ruling or order of the building official to the tree board, who shall hear the matter and make a final decision. Any ruling not appealed within ten (10) business days shall be deemed final.

Any person may appeal any decision of the tree board to the board of adjustments and appeals, provided such appeal is made within ten business days of the decision being appealed.

Appeals to the board of adjustments and appeals shall be in writing and shall set forth in sufficient detail the ruling objected to and the basis for objection. Appeal hearings shall be conducted in accordance with the policies and procedures established for the operation of the board.

Sec. 18. Enforcement.

The Statham code enforcement officer shall have primary responsibility for enforcing this division. Violation of the provisions of this division shall be an offense against the city and punishable in the manner provided therefore below by citation to the municipal court under section 1-11. In addition to any fine imposed, any person or firm violating the same shall:

- (a) Upon the first offense, replant and maintain for a minimum of one year from the date of installation, trees at the same site equal in size to two times the tree (s) removed, measured at a point four (4) feet above ground.

(b) For the second offense, and thereafter, by the same party, said party shall be required to plant and maintain for three years trees equal in size to three times the tree(s) removed, measured at a point four feet aboveground.

The type of tree (s), the location of said tree(s), and the time of planting shall be in conformity with a landscaping plan submitted to the tree board and approved by it.

Sec. 19. Application of ordinance to private property.

The provisions of this ordinance shall not apply to private property; however, in addition to landscaping requirements imposed by the city's development codes and ordinances, developers and owners of private property are strongly encouraged to promote, develop and protect the existing urban forest within the City of Statham and to use the administrative guidelines in the landscaping of their properties.

Section 1. Tree species to be planted.

The following list constitutes the recommended tree species for City of Statham, Georgia. Trees included on this list may be planted on public lands pursuant to a work permit as provided in Section 4 of these guidelines. Other varieties may likewise be approved by the tree board.

TABLE INSET:

Small Trees	Medium Trees	Large Trees
Crabapple (flowering)	Honeylocust (thornless)	London Plane
Golden Rain Tree	Cherry (flowering)	Sugar Maple
Callery Pear	English Oak	Willow Oak
Star Magnolia	Red Oak	Sycamore
Redbud	Yellow Poplar	Red Maple
Purpleleaf Plum	River Birch	Sawtooth Oak
Dogwood	Chinese Elm	White Oak
Crape Myrtle	American Hornbeam	Black Tupelo

Saucer Magnolia	Mountain Ash	Southern Magnolia
Wax Myrtle	Sourwood	Bald Cypress
Washington Hawthorn	Double Flowering Peach	American Beech
Nellie Stevens Holly	Serviceberry	Pin Oak
Lace Bark Elm	Zelkova	Scarlet Oak
Smoketree	American Holly	Trident Maple
Yaupon Holly	Yoshino Cherry	October Glory Maple

Section 2. Spacing.

When the intent of replanting trees is to renaturalize public land, the spacing of trees will be in accordance with the three (3) size classes listed above. Small trees, 10--15 feet; Medium trees, 20--40 feet; and Large trees, 30--50 feet; unless otherwise approved by the building official.

When the intent of planting trees is to achieve a formal landscape, a landscape plan indicating tree spacing shall be submitted to the building official for approval, and may require the additional approval from the city landscape architect.

Section 3. Distance from streets, sidewalks and paths.

Unless otherwise approved by the building official, trees shall be planted a minimum of 12 feet from all streets, a minimum of six feet from all sidewalks, and a distance from the pavement edge on the city's recreational paths in accordance with the three (3) size classes listed above, with no tree planted closer to the pavement edge of the path than the following: Small trees, three feet; medium trees, four feet; and large trees, six feet.

Section 4. Distance from street corners, fire hydrants and utility boxes.

No street tree shall be planted closer than 25 feet from any street corner, measured from the point of nearest intersecting rights of way. No tree shall be planted closer than ten feet from any fire hydrant. No tree shall be planted closer than six feet from any utility box.

Section 5. Utilities.

Unless otherwise approved by the building official, no trees shall be planted within a utility easement, including sanitary sewer, storm sewer, and drainage easements. The person planting trees or doing any other work as herein described on public lands shall be responsible for determining in advance the location of all underground utilities in the immediate area, including compliance with the "Call Before You Dig Law." When the permitted work is performed, care shall be taken to avoid damaging or breaking any underground or above ground utility lines. If damage is done to any utility line, the person to whom the permit was issued shall be solely responsible for its repair. No tree shall be planted under or near overhead utility lines which will, when fully grown and mature, conflict with those overhead lines and as a consequence require pruning.

Section 6. Minimum requirements for planting.

Unless otherwise approved by the building official, plans for planting required by the tree ordinance shall provide for:

- (a) Planting holes which are two times the diameter of the root ball or container and one and one-quarter (1 1/4) the depth of the root ball or container height;
- (b) Trees staked if less than two inches caliper, measured at a point four feet aboveground;
- (c) Planting surrounded by a two-inch soil saucer at the ground line and covered with a minimum of two inches of mulch or appropriate landscaping material;
- (d) The mature size or species shall be considered and in no case shall planting be closer than 30 feet for large trees, 20 feet for medium size trees, and ten feet for small trees. Species selected shall be from the list contained in this ordinance and found to be adaptable, environmentally suitable to the region and in keeping with good landscape and architectural principles.

Section 7. Public tree care.

The city may plant, prune, maintain, and remove trees, shrubs, or other plantings on public lands, as necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public lands.

The city shall remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is damaging sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pests. This section does not prohibit the planting of trees by adjacent property owners providing that the selection and location of said trees is in accordance with these guidelines.