

## ARTICLE VI

### GENERAL PROVISIONS

#### **Section 601. Street Access**

Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot not abutting on a publicly dedicated, accepted and maintained street, or on a lot not having an officially approved permanent record easement to such a street, or on a private street which does not meet minimum design standards; and from the time of enactment of this Ordinance that no new street having a right-of-way of less than fifty (50) feet shall be publicly dedicated, accepted, or maintained, except as provided elsewhere in the Glynn County Code of Ordinances. In no case shall a building permit be issued for a lot abutting a public street which the required future right-of-way dedication has not been secured for that portion of the street serving the lot provided however that this does not apply to existing lots of record. (O-2008-05, 5/15/2008)

#### **Section 602. Classification of Streets**

For the purpose of this Ordinance, all public and private streets in the unincorporated portions of Glynn County, Georgia, are hereby classified as being either controlled access highways, major streets, collector streets, or minor streets. (O-2008-05, 5/15/2008)

#### **Section 603 Location of Buildings on Zoning Lots and Residential Limitations**

Every building or use hereafter erected or established, except as herein provided, shall be located on a zoning lot; and every one or two family residential structure, except as herein provided, shall be located on an individual zoning lot. In all cases, the principal building on the lot shall be located within the buildable area formed by the building lines, as defined in Section 302, as outer boundaries. In no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards, or other setbacks required for the district in which the lot is located, unless otherwise provided for in this Ordinance. (O-2007-20, 11/15/2007)

#### **Section 604. Corner Lots**

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half (1/2) of the regulated distance on the portion of the lot fronting on the street or streets of lesser importance; but, in no case, shall this reduced front yard requirement be less than ten (10) feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this Ordinance for the district in which the lot is located. If the streets are considered to be of equal importance, then the required minimum front yard for the district shall be observed on that frontage having the narrowest width. The yard requirement on other street frontages may be reduced to one-half (1/2) the regulated distance, provided that, in no case, shall the requirement be less than ten (10) feet.

#### **Section 605. Double Frontage Lots**

On lots having a frontage on more than one street, but not located on a corner, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.

## **Section 606. Front Yard Requirements**

The front yard requirements of this Ordinance shall not apply to any lot where the average front yard on already built-upon lots located wholly or in part within the one hundred (100) feet of each side of such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such case, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than ten (10) feet.

## **Section 607. Nonconforming Uses or Buildings (#O-2012-09)**

Nonconformity or nonconforming means a characteristic of a building, structure, or area of land, or the use of such building, structure, or area of land that does not conform to the uses, development standards, or other requirements of the zoning district in which it is located but which existed and was lawful prior to the date of enactment of this Ordinance or any amendment. Use of a portion of a lot shall not establish a nonconformity as to the entire lot, but only to that portion of the lot actually used at the time of the enactment or amendment of this Ordinance.

Any lawfully existing nonconforming use, building, or structure may be continued subject to the following conditions:

- 607.1 Change. A building, structure, or use of land shall not be permitted to revert to a nonconforming use once changed to a conforming use. Change to another nonconforming use is prohibited.
- 607.2 Discontinuance. Any nonconforming use which is discontinued for a continuous period of twelve (12) months shall not be resumed, and the premises shall be occupied only by a use which conforms to the use regulations of the district in which it is located.
- 607.3 Restoration. A nonconforming building damaged or destroyed by fire, flood, storm, act of God, or other causes may be repaired or rebuilt if: (1) the estimated reconstruction cost does not exceed fifty percent (50%) of the fair market value of the improvements, (2) it is not larger than the original building, (3) it conforms to the yard, height, and dimensional requirements of the zoning district, and (4) the building is repaired or rebuilt within two (2) years from the time it was damaged or destroyed. Fair market value shall be determined by reference to current statutory

provisions pertaining to real estate assessment and the records of the Glynn County Property Appraisal Office. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the Glynn County Property Appraisal Office.

607.4 Repair, Expansion or Enlargement. There shall be no extension or enlargement of a nonconforming use. A nonconforming building, structure, or portion thereof shall not be enlarged, added to, or structurally altered in any manner, except as may be required by law or permitted by subsection 607.5, unless the said building, structure, and use shall be made to conform to the uses, development standards, or other requirements of the zoning district in which it is located.

Repairs and alterations necessary in the ordinary course and operation of a building may be made to a nonconforming building, except that no structural alterations shall be permitted unless such structural alteration is for the purpose of conforming with the uses, development standards, or other requirements of the zoning district in which it is located.

607.5 Administrative Variance. Although the general intent not to permit expansion of nonconformities set forth in subsection 607.4 is reaffirmed, a nonconforming building may be enlarged, added to, or structurally altered if the degree of its nonconformity remains the same or is decreased and provided such building is used for a permitted use. The Community Development Director may permit a nonconforming building to be enlarged, added to, or structurally altered, subject to the uses, development standards, or other requirements of the zoning district in which it is located, under the following requirements, limitations, and considerations:

- (a) That the strict application of the Ordinance requirements would produce undue hardship;
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (c) That the authorization of such enlargement, addition, or alteration will not be of substantial detriment to contiguous property and that the character of the zoning district will not be changed by granting the request.

Procedure

- (a) Anyone seeking to enlarge, add to, or alter a nonconforming building shall make a written application to the Community Development Director. The application shall be accompanied by a site plan, building plan or survey, a statement of the current use, and such other material as may be appropriate in the circumstances of the case;
- (b) Upon receipt of an application, the Community Development Director shall send written notice of the application to contiguous property owners by certified mail, return receipt. The notice shall contain the location of the affected property, describe the request, and specify that the Director will render a decision on the application not less than fourteen (14) days following the date of notice. The "date of notice" shall be the latest date the notice to a contiguous property owner is mailed. The Director shall also post a similar notice of the application on the affected property at least seven (7) days prior to rendering a decision on the application;
- (c) If the Community Development Director receives a written objection from any contiguous property owner prior to rendering a decision on the application, the Director shall take no action on the application and shall notify the applicant that an application for a variance may be filed with the Board of Appeals pursuant to Article X;
- (d) If no objections are received the Director shall render a decision on an application not less than fourteen (14) days after the date of notice to contiguous property owners, nor more than thirty (30) days after the application is received;
- (e) Any person aggrieved or affected by the decision of the Community Development Director may appeal to the Board of Appeals pursuant to Section 1004; and
- (f) Nothing in this Section shall be construed to prevent a person from first applying for a variance from the Board of Appeals as provided in Article X. (#O-2001-15, 12/6/01, #0-2012-09, 12/6/12)

**Section 608. Home Occupations**

**608.1 Operational Conditions.** A home occupation, as defined in Article III, Section 302, shall be permitted in any residential district provided that such occupation:

- a) Employs at the site, which constitutes the residence no other person than members of the family residing in the principal building at the home occupation site. The occupation may employ other persons who report to work and conduct activities off site;
- b) Is conducted entirely within the principal building or a non-habitable accessory building provided the combined occupation space utilizes not more than twenty-five percent (25%) of the total floor area of the principal building;
- c) Produces no alteration or change in the character or exterior appearance of the principal building or accessory building(s) from that of a dwelling;
- d) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- e) Complies with all Glynn County Board of Health rules and regulations as they apply to the home occupation;
- f) Is not visibly evident from outside the dwelling except for one (1) non-illuminated sign one (1) square foot or smaller in size and mounted against a wall of the principal building;
- g) Meets the provisions for off-street parking in accordance with Section 611. When a home occupation is begun and upon request by the Community Development Department, but in no case more often than annually, the property owner shall submit a plan showing how much space or lot area will be used in connection with the home occupation and where parking spaces would be located;
- h) Prohibits non-family member employees from parking more than two (2) vehicles, each with a gross vehicle weight of less than 10,000 pounds, both on the site and in the residentially-zoned areas immediately surrounding the site;
- i) As used in this Section, the term family and member of the family residing on the premises includes any living person who is a brother, sister, mother, father, husband, wife or child of any family member residing on the premises;
- j) Any home occupation operated in conformity with this Ordinance for a period of ten (10) years or more prior to October 3, 1996 may be continued so long as the operator owns the residence and operates the business continuously without regard to the actual residence of the operator;

- k) Stores all supplies, materials, support equipment, etc. within the current setbacks of the zoning district the site is located in and prohibits storage of said items in the front yard of the principal residence. The business will be required to install buffer fencing sufficient to block the view of the storage area unless the home occupation site exceeds an acre in size; and
- l) Prohibits deliveries of supplies, materials, products, mailings, etc. between 9:00 p.m. and 7:00 a.m. daily. Additionally, deliveries of supplies, materials, equipment (other than initial installation and/or replacement), etc., utilizing any service vehicle larger than a single rear axle uni-body vehicle is prohibited.

608.2 Occupations Excluded. Notwithstanding the above enumerated conditions, restaurants, rest homes, florist, tourist courts, pawn shops, convalescent homes serving more than six (6) tenants and auto repair garages shall not be considered home occupations and are specifically excluded.

**Section 609. Accessory Uses**

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by the Ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted.

For purposes of this Ordinance, therefore, each of the following uses is considered to be customarily accessory use, and as such may be situated on the same lot with the principal use or uses to which to serve as an accessory.

609.1 Uses Customarily Accessory to Dwellings and/or Mobile Homes on Individual Zoning Lots.

- a) Private garage not to exceed the following storage capacities -
  - One or two-family dwelling or one-family mobile home on individual lot - 4 automobiles
  - Multi-family dwelling - 2 automobiles per dwelling
  - Group dwelling - 1.5 automobiles per sleeping room
- b) Open storage space or parking area for motor vehicles provided that such does not exceed the maximum respective storage capacities listed under Subsection 609.1 a) above, and provided further that such space shall not be used for more than one (1) commercial vehicle licensed as 3/4 ton or less in capacity per family residing on the premises.

- c) Shed or tool room for the storage of equipment used on grounds or building maintenance.
- d) Children's playhouse and play equipment.
- e) Keeping of no more than a combined total of three (3) dogs and/or cats that are four (4) months of age or older. However, up to a combined total of six (6) dogs and/or cats that are four (4) months of age or older may be kept on a lot of record in a residential zoning district, provided that the following conditions and requirements are met: (#O-2017-05)
  - (i) The property where the animals are to be kept must be at least six thousand (6,000) square feet and have a detached one-family dwelling as the principal use; and
  - (ii) The owner of the animals must reside on the property where the animals are kept.
- (f) Private swimming pool and bathhouse or cabana.
- (g) Structures designed and used for the purposes of shelter in the event of man-made or natural catastrophes.
- h) Non-commercial flower, ornamental shrub or vegetable garden, greenhouse, or slat house not over eight (8) feet in height.
- i) Private boat docks and boat houses.
- j) One (1)-tennis court for use of the immediate family and guests and for which no charge is made.
- k) Windmills, provided that the windmill is set back from the front property line and from the rear or side property line where the rear and side yard is adjacent to a residential district, by a distance equal to the respective minimum yard depths plus one (1) foot by which the windmill exceeds the maximum building height for that district.
- l) Earth satellite dish for receiving, in rear and side yards. Maximum size allowed shall be twelve (12) feet diameter.

**609.2 Uses Customarily Accessory to Church Buildings**

- a) Religious education and activity buildings.
- b) Parsonage, pastorium, or parish house, together with any accessory to a dwelling as listed under Subsection 609.1 b).
- c) Off-street parking area for the use without charge to members and visitors to the church.
- d) Windmills, provided that the windmill is set back from the front yard property line and from the rear or side property line where the rear

and side yard is adjacent to a residential district, by a distance equal to the respective minimum yard depths plus one (1) foot by which the windmill exceeds the maximum building height for that district.

609.3 Uses Customarily Accessory to Retail Business, Office Uses, and Commercial Recreational Facilities

- a) Off-street parking or storage area for customer, client, or employee owned vehicles.
- b) Completely enclosed building for the storage of supplies, stock and merchandise.
- c) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- d) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, in HC Highway Commercial and FC Freeway Commercial districts where such use is permitted, provided that no part shall, in any case, be located any closer than ten (10) feet to any property line.
- e) Windmills, provided that the windmill is set back from the front yard property line and from the rear or side property line where the rear and side yard is adjacent to a residential district, by a distance equal to the respective minimum yard depths plus one (1) foot by which the windmill exceeds the maximum building height for that district.
- f) Earth satellite dish.

609.4 Uses Customarily Accessory to Industrial Uses

- a) Windmills, provided that the windmill is set back from the front yard property line and from the rear or side property line where the rear and side yard is adjacent to a residential district, by a distance equal to the respective minimum yard depths plus one (1) foot by which the windmill exceeds the maximum building height for that district.
- b) Earth satellite dish.



## **Section 610. Setback and Other Yard Requirements for Accessory Uses**

In any district, all accessory uses operated in structures above ground level, except boat houses, shall observe all setbacks, yard and other requirements set forth for the district within which they are located.

No accessory use, except boat houses and boat docks, shall in any case be located any closer than five (5) feet to any property line.

## **Section 611. Off-Street Automobile Parking Requirements**

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in density, floor area, or land use intensity; or when a conversion in permitted uses occur. Such off-street parking areas shall have direct access of sufficient width to a street or alley, be graded for proper drainage, and be striped and be paved as required by the Glynn County Subdivision Regulations - Minimum Paving Requirements for Minor Streets, except that, commercial, institutional, industrial and all multi-family uses located on separate zoning lots which require less than ten (10) spaces shall only be required to pave access and service drives; however, the actual parking spaces shall be surfaced with shell, gravel, or other suitable dust-free material meeting the approval of the Building Inspector.

Where a paved parking lot of ten (10) spaces or more abuts a public right-of-way, a landscaped or grassed area at least five (5) feet wide, with the exception of access ways, shall be maintained between the paving edge of the parking lot and the right-of-way line.

611.1 Amount of Area Required for Each Parking Space. The term off-street parking space shall mean a space at least eight and one-half feet wide and eighteen feet in length (8-6" x 18'). Including aisles, entrances and exits, each off-street parking area, lot or other facility should contain approximately 300 square feet of adequate maneuvering space for each automobile to be accommodated.

611.2 Combination of Uses On One Lot. If there is a combination of uses on a single lot, such as a restaurant within or adjacent to a motel, such uses parking requirements shall be computed separately according to the individual requirements of each use.

611.3 Location of Off-Street Parking Areas. Required off-street parking areas for one and two-family residences shall be located on the same lot as the principal building to be served. Under unusual circumstances and hardship, parking areas for all other permitted uses may be located off-site, provided that the parking area is not more than four hundred (400)



	Additional spaces for accessory uses shall meet the requirement of the specific use listed herein.
Cluster Housing and Row House	2 spaces per unit
Mobile Home Parks	2 spaces per unit, plus one additional space for resident manager or owner

b) Places of Public Assembly

Land Use	Number of Spaces Required
Churches or Other Places of Worship	1 space for each 4 seats in the main auditorium or sanctuary
Schools, including Kindergartens, Nurseries and Day Care Centers	1 space for each staff member or employee, plus 1 space for each 5 seats in the principal auditorium. Automobile stacking space for the pick-up and delivery of students or children shall be provided for a minimum of 2 automobiles.
Private Clubs, Lodge and Fraternal Buildings not providing over-night Accommodations	1 space for each 70 square feet of patron space or use areas, and 1 space for each 2 members.
Theaters, Auditoriums, Stadiums, and Similar Places Public Assembly	1 space for each 4 seats
Skating Rinks, Dance Halls, Exhibition Halls, Pool Rooms, and Other Places Public Assembly	1 space for each 70 square feet of patron space or use areas and 1 space for each 2 employees
Health and Athletic Clubs or Spas	1 space for each 150 square feet of total floor area. Additional spaces for accessory uses such as bar, restaurant or any other non-athletic uses shall meet the requirements of the specific use
Bowling Alleys	5 spaces for each alley
Libraries and Museums	1 space for each 70 square feet of floor area open to the public

Transportation Terminal, Facilities, Railroad Stations, Bus Depots and Truck Terminals	1 space for each 100 square feet of public a waiting room area, plus 1 space for each 2 regular employees, plus sufficient space for parking, storage, loading and unloading
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c) Health Facilities

Land Use	Number of Spaces Required
Hospitals, Nursing Homes, Sanitariums	1 space for each 4 beds, plus 1 space for each 2 regular shift employees, in case of hospitals there shall be 20 additional spaces provided immediately adjacent to the emergency room
Kennels and Animal Hospital	1 space for each 200 square feet of floor space devoted to waiting area and examination area
Medical, Dental and Health Facilities, Including Offices and Clinics	1 space for each 100 square feet of total floor area
Mortuaries and Funeral Homes	1 space for each 100 square feet of floor space used for viewing and chapel purposes, plus sufficient space for storage of vehicles

d) Business Establishments

Land Use	Number of Spaces Required
Automobile Service Stations	2 spaces for each fuel pump
Farm Equipment, Machinery, Furniture Sales, and Repair Establishments, except Automobile Repair Establishments	1 space for each 2-shift employees, plus 1 space for each 400 square feet of total floor area. (#O-2003-02; 2/6/03)
Automobile and Motorcycle Repair Establishments	3 spaces for each service bay or service workstation (#O-2003-02; 2/6/03)
Food Stores	1 space for each 100 square feet of floor area designated for retail sales.
General Offices and Government Offices	1 space for each 200 square feet of floor area.

Retail Businesses, Commercial or Personal Service Establishment, except Vehicle Sales Establishment	1 space for each 200 square feet of retail floor area. (#O-2003-02; 2/6/03)
Vehicle Sales Establishment	1 space for each 500 square feet of indoor display area. (#O-2003-02; 2/6/03)
Banks, Savings and Loans and Other Financial Institutions	1 space for each 200 square feet of total floor area.
Restaurants, Including Bars, Grills, Diners, Cafes, Taverns, Nightclubs, Lunch Counters and Other Eating and Drinking	1 space for each 70 square feet of patron space and 1 space for each 2 employees
Service and Repair Establishments	1 space for each 200 square feet of non-storage area
Shopping Center	5 spaces for each 1,000 square feet of gross leaseable floor area
Adult Entertainment Establishment	1 space for each 70 square feet of patron space and 1 space for each 2 employees

e) Other Uses

Land Use	Number of Spaces Required
Wholesale and Industrial Establishments, Including Lumber, Brick, Coal, Junk and Supply Yards, and Port Facilities	1 space for each 2 employees on the largest working shift, plus sufficient space to store vehicles and equipment.
Airport and Airfield	50 spaces

611.7 Permitted Reduction in Number of Spaces Required. Notwithstanding the provisions of Section 611.6, the number of required parking spaces may be reduced for a non-residential development having more than twenty (20) parking spaces as follows:

- a) Where a site plan is subject to approval by the Planning Official, on request of the applicant the Planning Official may approve a reduction in the number of required parking spaces by not more than ten (10) percent of the total required spaces on a site where there is a corresponding increase in undeveloped land. For each

parking space so eliminated, the plan shall show a 450 square foot increase in undeveloped area over the area of required yards. The additional undeveloped area may be used for landscaped area in parking lots or other exterior open space. The site plan shall include a tabulation of parking required and provided, as well as tabulation of undeveloped area required and provided. Additional undeveloped land shall be indicated so that no future permits for use of such land may be issued.

- b) Where a site plan is subject to approval by the Planning Commission, on request of the applicant the Planning Commission may approve a reduction in the number of required parking spaces by not more than twenty-five (25) percent of the total required spaces on a site where there is a corresponding increase in undeveloped land. Such twenty-five percent reduction shall be inclusive of, not in addition to, the ten percent reduction that may be allowed under part a), above. For each parking space so eliminated, the plan shall show a 450 square foot increase in undeveloped area over the area of required yards. The Planning Commission may direct how the additional undeveloped area may be used, and may condition such use on specific standards for the design of buffers and landscaping for the site. In order for the reduction to exceed ten (10) percent of the required parking, the Planning Commission must make a finding that the remaining amount of parking will be adequate for the uses proposed. The Planning Commission may require that a certain amount of the additional undeveloped area be located so that it may be converted to parking at the direction of the Planning Commission in the event that the developed parking is inadequate after development. The site plan shall include a tabulation of parking required and provided, as well as tabulation of undeveloped area required and provided. Additional undeveloped land shall be indicated so that no future permits for use of such land may be issued. (Ordinance 2002-11 adopted 6/6/02)

## **Section 612. Off-Street Loading and Unloading Area Requirements**

Areas suitable for loading and unloading motor vehicles in off-street locations shall hereafter be required at the time of the initial construction of any building or structure used or arranged to be used for commercial, industrial, government, or multi-family residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

### **612.1 Number of Spaces Required**

- a) Retail business uses with less than 2,000 square feet in total floor area: None
- b) Retail business uses with 2,000 to 25,000 square feet in total floor area: 1 space
- c) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions shall provide one (1) space for the first 25,000 square feet of total floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

<u>Square Feet</u>	<u>No. of Spaces</u>
25,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
140,000 - 349,999	5
For each additional 100,000 or fraction thereof	1 additional

- d) Multi-family residences with less than ten (10) dwelling units: None
- e) Multi-family residences with ten (10) to thirty (30) dwelling units: 2 parking spaces in lieu of a loading space.
- f) Multi-family residences with more than thirty (30) dwelling units: 2 parking spaces for the first 30 dwelling units, plus 1 parking space for each additional 30 dwelling units or fraction thereof.

**612.2 Amount of Area Required for Each Loading Space.** Each off-street loading and unloading space required by the provisions of this Ordinance shall be at least ten (10) feet in width, fifty (50) feet long and fourteen (14) feet high. Such space shall be clear and free of obstructions at all times.

**612.3** Location of Off-Street Loading Areas. Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.

**612.4** Adequacy of Loading Area. All uses, whether specified in this Ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or way.

**Section 613**            **Buffers**            (O-2008-09, 7/17/2008)

**Sec 613.1 Purpose and intent.**

Buffers shall be required between incompatible land uses and zoning districts, around particular visually objectionable structures and between certain land uses located along certain streets in order to provide separation and privacy and to reduce the impact of noise, debris and undesirable lighting to adjacent properties and streets.

Uses in any zone properly approved and permitted prior to the adoption of this Section will not be required to adhere to the provisions of this Section unless changes or alterations are made to the subject property that would require site plan approval.

Required buffers may be made up of existing vegetation, plantings, and landscape walls. Unless otherwise specified, buffers located at the perimeter of a lot shall be inclusive of the required yards and, if required, will be located wholly on the subject property. The minimum design specifications and required location of buffers are specified in the following text.

**Sec 613.2 Types of Buffers and Design Specifications.** (#O-2015-16)

(1) Plant Material Specifications:

(a) Quality: All plant materials shall be alive and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

(b) Minimum size standards:



(1) Small deciduous trees: Small deciduous trees shall be of a species that reach a minimum crown spread of greater than twelve (12) feet within ten (10) years. At the time of planting, a minimum caliper of at least two and one-half (2 ½) inches shall be required unless a native species is selected then the minimum caliper shall be reduced to two (2) inches. Multi-stem plants shall be a minimum of eight (8) feet tall.

(2) Large deciduous trees: Large deciduous trees shall be of a species that reach a minimum crown spread of greater than thirty (30) feet within twenty (20) years. At the time of planting, a minimum caliper of at least two and one-half (2 ½) inches shall be required unless a native species is selected then the minimum caliper shall be reduced to two (2) inches. Multi-stem plants shall be a minimum of ten (10) feet tall.

(3) Evergreen trees: Evergreen trees shall be of a species that will reach a minimum height of eighteen (18) feet within twenty (20) years. At the time of planting, a minimum height of five (5) feet shall be required.

(4) Medium shrubs: Medium shrubs shall be of a species that reach a minimum height of three (3) feet in five (5) years. A minimum height of eighteen (18) inches shall be required at the time of planting.

(c) Landscaping design: Generally, planting should be in an irregular line and spaced at random. Clustering of plants and tree species shall be required to provide acceptable composition and mix of vegetation. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, having a minimum height of three (3) feet, may reduce the amount of required plant materials as determined at the time of site plan approval.

(d) Tree preservation: Whether parcels are developed or undeveloped, preservation of existing trees and shrubs within required buffers shall be maximized. Vegetation located within a required buffer shall be maintained unless removal is approved during subdivision or site plan review. Any healthy existing tree or shrub may be included for credit towards the buffer requirements. If any preserved tree or shrub that has been credited dies, then one tree or shrub shall be planted for each tree or shrub lost based upon the applicable buffer type. All existing vegetation which is to be preserved in required buffers shall be shown on the landscaping plan and grading plans. Any existing trees to be removed shall be clearly delineated on the landscaping plan and grading plan.

(e) Fire hydrants: Vegetation, trees, shrubs, and ground cover shall not be planted or installed within a radius of ten (10) feet of a fire hydrant as measured from the center point of the hydrant.

(2) Landscape Wall Specifications: Walls shall be a minimum of six (6) feet in height, opaque, with acceptable construction to include stucco cover block, brick, split face block, ribbed block, pressure treated, naturally rot resistant wood or PVC solid fences. All walls shall have the finished side of the wall face outward from the site and shall have landscaping that complies with the requirements of the applicable buffer type.

(3) Minimum requirements for types of buffers:

(a) Type "A" Buffer - A buffer not less than twenty (20) feet wide planted strip consisting of all of the following:

- (1) At least one (1) large deciduous tree for each fifty (50) lineal feet and at least one (1) evergreen tree for each thirty (30) lineal feet;
- (2) At least one (1) small deciduous tree for each fifty (50) lineal feet;
- (3) At least one (1) medium shrub for each fifteen (15) lineal feet; and
- (4) Low shrubs and ground cover used appropriately in tree and/or shrub beds.
- (5) Type "A" Alternate Buffer Standard Type 1 – A buffer not less than twelve (12) feet wide planted strip with a landscape wall per Section 613.2 (2) on the exterior side of the buffer with plant types (1) – (3) above.
- (6) Type "A" Alternate Buffer Standard Type 2 – A buffer not less than twelve (12) feet wide planted strip with a landscape wall per Section 613.2 (2) on the interior side of the buffer with plant types (1) – (3) above.

(b) Type "B" Buffer - A buffer not less than forty (40) feet wide planted strip consisting of all of the following:

- (1) At least two (2) large deciduous trees for each fifty (50) lineal feet and at least one evergreen tree for each thirty (30) lineal feet;
- (2) At least two (2) small deciduous trees for each thirty (30) lineal feet;
- (3) At least two (2) medium shrubs for each ten (10) lineal feet; and
- (4) Low shrubs and ground cover used appropriately in tree and/or shrub beds.
- (5) Type "B" Alternate Buffer Standard Type 1 – A buffer not less than twenty-four (24) feet wide with a landscape wall per Section 613.2 (2) on the exterior of the buffer with plant types (1) – (3) above.
- (6) Type "B" Alternate Buffer Standard Type 2 – A buffer not less than twenty-four (24) feet wide planted strip with a landscape wall per Section 613.2 (2) on the interior side of the buffer with plant types (1) – (3) above.

(c) Type "C" Buffer - A buffer not less than one hundred (100) feet wide planted strip consisting of all of the following:

- (1) At least four (4) large deciduous trees for each fifty (50) lineal feet and at least three (3) evergreen trees for each fifty (50) lineal feet;
- (2) At least two (2) small deciduous trees for each thirty (30) lineal feet;
- (3) At least two (2) medium shrubs for each ten (10) lineal feet; and
- (4) Low shrubs and ground cover used appropriately in tree and/or shrub beds.
- (5) Where adjacent to a public road: An average four (4) foot high undulating berm with maximum side slopes of 3:1 designed to provide topographical interest yet maintain limited visibility into parking areas; and installation of plant types (1)- (3) above.
- (6) Type "C" Alternate Buffer Standard Type 1 – A buffer not less than sixty (60) feet wide with a landscape wall per Section 613.2 (2) on the exterior side of the buffer with plant types (1) – (3) above.

(7) Type “C” Alternate Buffer Standard Type 2 – A buffer consisting of a constructed vegetated berm whose width and height is determined at site plan approval based upon proximity and intensity of proposed uses on the site.

(d) Type “D” Buffer - A landscape wall high enough to visually conceal equipment, storage, and/or service areas located behind. The minimum height of the wall shall be the actual height required to screen the object from view.

(e) Type “E” Buffer - A buffer not less than ten (10) feet wide planted strip consisting of all of the following:

(1) At least one (1) large deciduous tree for each fifty (50) lineal feet and at least;

(2) At least one (1) small deciduous tree for every thirty (30) lineal feet; and a

(3) Continuous hedge forms for the entire lot width, no shorter than three (3) feet at planting; or a continuous screening fence or wall constructed of the same material used in the buildings for the entire lot width; or a continuous evergreen hedge forms that grow to or are maintained at a three (3) to four (4) foot height maximum planted along the entire parking area or along any required frontage.

#### Sec 613.3 Location and Type of Buffer Required.

(1) Required Buffer Locations between Zoning Districts:

(a) In Commercial Zoning Districts (FC, HC, GC, OC) that abut Residential Zoning Districts (R-6, R-9, M-6, M-9, Mh-6, Mh-9, R-12, R-20, M-12, M-20, Mh-12, Mh-20, RE, RR, GR, MR, HR) or that abut a residential use in a Planned Development District, a type “A” buffer is required at the abutting property lines. A type “A” buffer is also required abutting FA tracts developed or approved as residential subdivisions.

(b) In Industrial Zoning Districts (LI, BI) that abut Residential Zoning Districts (R-6, R-9, M-6, M-9, Mh-6, Mh-9, R-12, R-20, M-12, M-20, Mh-12, Mh-20, RE, RR, GR, MR, HR) or that abut a residential use in a Planned Development District, a type “B” buffer is required at the abutting property lines. A type “B” buffer is also required abutting FA tracts developed or approved as residential subdivisions.

(c) In Industrial Zoning District (GI) that abut Residential Zoning Districts (R-6, R-9, M-6, M-9, Mh-6, Mh-9, R-12, R-20, M-12, M-20, Mh-12, Mh-20, RE, RR, GR, MR, HR) or that abut a residential use in a Planned Development District, a type “C” buffer is required at the abutting property lines. A type “C” buffer is also required abutting FA tracts developed or approved as residential subdivisions.

(d) In Multi-Family Residential Zoning Districts (GR, MR, HR, RR) that abut Single Family Residential Zoning Districts (R-6, R-9, M-6, M-9, Mh-6, Mh-9, R-12, R-20, M-12, M-20, Mh-12, Mh-20, RE) or that abut a single family residential use in a Planned Development District, a type “A” buffer is required at the abutting property lines. A type “A” buffer is also required abutting FA tracts developed or approved as residential subdivisions.

(e) In Mobile Home Zoning Districts (M-6, M-9, Mh-6, Mh-9, M-6, M-9, Mh-6, Mh-9,) that abut Single Family Residential Zoning Districts (R-6, R-9, R-12, R-20, RE) or that abut a single family residential use in a Planned Development District, a type “B” buffer is required at the abutting property lines. A type “B” buffer is also required abutting FA tracts developed or approved as residential subdivisions.

(f) In New Residential Zoning Districts (R-6, R-9, M-6, M-9, Mh-6, Mh-9, R-12, R- 20, M-12, M-20, Mh-12, Mh-20, RE, RR, GR, MR, HR) that abut existing Commercial Zoning Districts (FC, HC, GC, OC) where no buffer exists at the abutting property line a type “A” buffer shall be required, or Industrial Zoning Districts (LI, BI, GI) where no buffer exists at the abutting property line a type “B” buffer shall be required.

(g) Developments in Planned Development Zoning Districts shall, at a minimum, meet the buffer requirements for buffers in zoning districts with similar uses and the requirements for streets and other locations shall be used.

## (2) Required Locations at Streets

(a) At parking lots in any zoning classification where ten (10) or more parking spaces, a driveway in excess of fifty (50) feet , or commercial development is located along streets where the public has access; a type “E” buffer is required.

(b) At residential subdivisions and other residential developments requiring plat approval and located along major and collector streets; a type “A” buffer or a type “A” Alternate Buffer Type 2 abutting the street is required.

(c) At commercial developments located along major, collector, and minor streets on St. Simons Island; a type “E” buffer abutting the street is required.

(d) At industrial developments located along major, collector, and minor streets on St. Simons Island; a type “B” buffer or type “B” Alternate Buffer Type 2 abutting the street is required.

## (3) Other Required Locations

(a) Where trash collection and storage areas, dumpsters, and compactors are in view of a street where the public has access or is in view of the adjacent property, a type “D” buffer is required.

(b) At outside storage areas for items not typically placed for display in view of a street where the public has access or is in view of adjacent property; a type “D” buffer is required.

(c) Around mechanical equipment, excluding single family residential uses, within view of adjacent property or in view of a street with public access and not mounted on a roof; a type “D” buffer is required.

(d) At the dividing property line between a lot occupied by any existing lawful use that would be deemed incompatible regardless of the zoning district it occupies the requirement between the zoning districts in which the use would ordinarily exist would apply.

#### Sec 613.4 Uses Allowed within Buffers.

The only uses permitted by right within buffers shall be landscaping and landscape walls. Signs, security fencing, utilities, pedestrian walkways, and driveways connecting to adjacent streets or properties may be permitted through subdivision or site plan review provided the intent and purpose of the required buffer is met.

#### Sec 613.5 Modification of Buffer Requirements.

Except for buffers required by the Board of Commissioners as a condition of zoning, Planning Commissions may allow modifications to the buffer requirements for a development during site plan review and approval under any one of the following conditions:

(1) If the strict application of the provisions of the buffer requirements reduces the usability of a lot because of the buffer configuration or size to a point which would preclude a reasonable use of the lot, then buffer requirements may be modified provided the purpose and intent is met through a combination of architectural and landscaping design.

(2) If the proposed modifications with no reduction to the width substantially meet or exceed the purpose and intent of the buffer requirements.

(3) If an adjacent lot is occupied by any existing lawful use that would be deemed compatible regardless of the zoning district it occupies, modifications to the buffer requirements may be considered for the area at the dividing property line.

(4) If an adjacent property is not suitable for development because of geographical or environmental constraints.

#### Sec 613.6 Required Timing of Buffer Placement.

(a) In order to receive a Certificate of Occupancy the required buffers shall be fully completed in accordance with the approved site plan. When the occupancy of a structure is desired prior to the completion of the required buffer, a temporary Certificate of Occupancy will be issued when a form of surety satisfactory to the Director of Community Development is submitted which is equal to double the amount of the costs of completing the required buffer is provided.

(b) Buffer construction and/or completion may be phased with the sequence of construction if a phasing plan is submitted and approved at the time of the site plan or subdivision approval.

#### Sec 613.7 Maintenance of Buffers.

The owner of the property on which the buffer is located shall be responsible for the maintenance, repair and replacement of the required buffer. All plant material shall be tended and maintained in a healthy and growing condition and free from refuse and debris. All landscape areas shall be provided with a readily available source of water. Failure to maintain the buffer as approved shall constitute a violation which shall be subject to enforcement as provided for by Article IX of this Ordinance.

#### Sec 613.8 Nonconforming Buildings and Structures.

A lawfully existing commercial building or commercial development that becomes nonconforming as a result of adoption of these buffer requirements, or any amendments thereto, that is damaged or destroyed by fire, flood, storm, or other act of God may be repaired or rebuilt without meeting the buffer requirements of this Ordinance if: (1) the owner provides documentation to the Community Development Director demonstrating that the building or development lawfully existed at the time of adoption of the buffer requirement(s) herein; (2) repair or reconstruction commences within two (2) years from the date it was damaged or destroyed; (3) the nonconforming building or development retains, restores, and maintains any screening or buffering that existed prior to such damage or destruction; and (4) the nonconforming building or development would be substantially impacted by complying with the buffer requirements of this Ordinance.

#### **Section 614. Curb Cut and Access Points**

Ingress and egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this Ordinance in accordance with the following requirements.

614.1 Size and Spacing of Curb Cuts and Other Access Points. In no case shall a curb cut or other access points be less than twelve (12) feet for residential uses and twenty-four (24) feet for all other uses nor more than forty (40) feet in width. No use shall be permitted more than two (2) curb cuts nor shall any two (2) curb cuts be closer than twenty (20) feet from each other except in residential zoning districts. The angle of any curb cut shall not be less than eighty degrees (80<sup>0</sup>).

614.2 Location of Curb Cuts and Other Access Points. No curb cuts or other access points shall be permitted along the following classified streets closer to the intersection of said street right-of-way line with another street right-of-way line than the following distance:

- Forty (40) feet for minor streets.
- Sixty (60) feet for collector streets.
- Sixty (60) feet for major and minor arterials.
- Two hundred (200) feet for controlled access highways.

However, if the property configuration is such that these standards cannot be met, then a curb cut or access point may be allowed provided a traffic hazard is not created.

614.3 Access Points in the Vicinity of Interchanges. In no case shall any curb cut, point of access or other means of vehicular ingress and egress be permitted from private property onto any portion of the access ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of a limited access highway located at a separate grade. Notwithstanding the foregoing, no curb cut, point of access, or other means of vehicular ingress and egress from private property onto a public street shall be permitted closer than two hundred (200) feet from the point of tangency of that street's right-of-way line with the outside right-of-way or any ramp providing direct access either to or from a limited access highway located at a separate grade.

614.4 Permits for Access Onto State Owned Highway Rights-of-Way. A permit must be obtained from the State Department of Transportation before curb cuts or any other point of access shall be authorized onto State owned highway rights-of-way from abutting property.

614.5 Interparcel roadway connections.(#O-2015-09) No office or commercial development requiring site plan approval shall be designed so as to completely eliminate access to adjoining parcels of land. Every such development shall be designed to facilitate access to adjoining properties which are developed or anticipated to be developed in a manner substantially similar to the subject property. Locations of interparcel access shall be shown on the site plan.

(a) Interparcel access easement. For any office or commercial use, the property owner shall grant an access easement as described herein to each adjoining property that is zoned or used for an office or commercial use. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public street. When required by this subsection, interparcel access easements shall be recorded in the office of the Clerk of Superior Court, Glynn County. A copy of such recorded easement shall be provided to the Community Development Director prior to issuance of a Certificate of Occupancy or prior to approval of a final plat.

(b) Access easement provisions. The interparcel access easement shall permit access from the adjoining property or properties to driveways and parking areas intended for customer or tenant use. Provided, however, that a property owner may reserve parking spaces for use by the owner's

customers and tenants only. The interparcel access easement shall be a minimum of twenty feet in width.

Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas shall be extended to the point of access on the property line.

- (c) Location of interparcel connections. The location of vehicular connections across a property line should be mutually determined and constructed by both property owners. In the case of coordination problems or any factors preventing construction of an interparcel connection, the County Engineer shall determine the location of connection to be constructed by property owners.
- (d) Relief. Where the proposed land use is such that the adverse impact of the required easement on the use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements (by way of illustration, where providing the easement would create a short cut to allow traffic to bypass a traffic control device), the Planning Commission may waive the requirement for access easements in whole or in part.

Where adjacent property has already been approved or developed so as to completely eliminate access to adjoining parcels of land, there are significant topographic differences between properties, or there exist environmental conditions that may be adversely affected; the Planning Commission may waive the requirement for access easements in whole or in part.

#### **Section 615. Vision Clearance at Street Intersections**

In all zoning districts established by this Ordinance, except the GC General Commercial District, no fence, wall, terrace, sign, shrubbery, planting or structure or object capable of obstructing driver vision between the heights of thirty (30) inches and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

#### **Section 616. Vision Clearance at Private Roadway and Entrances Intersecting with Public Streets**

No fence, wall, hedge or other planting, or sign forming a material impediment to visibility over a height of two and one-half (2.5) feet shall be erected, planted, placed or maintained



within twenty-five (25) feet of the point of a public street with any private roadway or drive which serves more than one (1) dwelling unit.

### **Section 617. Exceptions to Height Limits**

The height limitations in this Ordinance shall not apply to chimneys, which can be constructed no greater than five (5) foot above the highest point of the roof.

Spires, belfries, cupolas, domes, monuments, roof signs, water towers, observation towers, electrical transmission towers, silos, chimneys, smokestacks, elevators, conveyors, flag poles, mast, steeples, and windmills that exceed the height limitations for the district in which they are located, as outlined in the Ordinance, require approval from the Glynn County Planning Commission. When considering an exception, the Planning Commission must consider the following factors:

1. Maintenance of aesthetic appeal of the neighborhood;
2. Safety of any structure to be built above the maximum height in case of high winds;
3. The specific need of the property owner for the exception;
4. Availability of alternative means of satisfying the owner's need;
5. Impact on property values in the neighborhood; and
6. Any other adverse impacts on surrounding properties.

All structures, including radio transmission towers, which exceed a height of 150 feet MSL shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit. Structures in excess of 250 feet MSL shall be approved by the Planning Commission prior to submitting the "Notice of Proposed Construction of Alteration" (FA Form 7460-1). The Planning Commission, before hearing the request, shall afford the Glynn County Airport Manager an opportunity to comment in writing as to the effect such structures may have on airport approach zones and flight patterns. Further, it may also be necessary to obtain approval of the structures from the Federal Aviation Administration, which shall be the responsibility of the applicant.

### **Section 618. Environmental Protection**

All uses must satisfactorily comply with the requirements of the Environmental Protection Division, Georgia Department of Natural Resources and the Glynn County Board of Health regarding the protection of the environment from pollution by waste materials. All development in areas of freshwater wetlands and marshland fringe shall comply with the following standards.

- Development adjacent to freshwater wetlands, defined as those protected by Section 404 of P.L. 92-500 as determined by the U.S. Corps of Engineers, shall provide a buffer of natural vegetation around all freshwater wetlands.

- Development in the marsh-upland fringe shall not be permitted on lands subject to tidal influence (generally less than 5.6 feet MSL). A minimum fifteen (15) foot setback shall be maintained along marsh boundaries, as certified by the Coastal Marshland Protection Act.

## **Section 619. Site Plan Approval.**

### 619.1 Scope

(a) Applicants seeking to obtain a building permit in the unincorporated areas of Glynn County must first obtain site plan approval from the Planning Commission having jurisdiction over the site for the following types of development:

- 1) Commercial uses;
- 2) Industrial uses;
- 3) Multifamily uses;
- 4) Non-residential uses in residential zoning districts;
- 5) Development covered by Section 709; and
- 6) Any other use specifically requiring site plan approval by this Ordinance.

Any provision of this Section notwithstanding, a building permit is not required for construction of a sign. An application for a sign permit for construction of a sign shall not require site plan approval or a building permit only a sign permit. (#O-2013-04)

(b) Subsection (a) notwithstanding, an applicant may obtain a building permit without first obtaining site plan approval for structures built prior to June 5, 1983, and located on a site that has not subsequently obtained an approved site plan, for any one of the following:

- 1) Renovations or improvements to an existing building or structure which do not change the existing building footprint;
- 2) Increase in the size of an existing building footprint a maximum of five percent (5%), provided that the required number of parking spaces and/or loading spaces are provided and the increase does not affect site coverage or storm water drainage requirements;
- 3) Construction of a new building or structure with a building footprint no larger than five percent (5%) of the total square footage of all existing buildings on a site, provided that the required number of parking spaces and/or loading spaces are provided and the increase does not affect site coverage or storm water drainage requirements;
- 4) Reduction in the size of an existing building footprint; or
- 5) Site changes which do not affect the number of required parking spaces and/or loading spaces or storm water drainage requirements.

Renovations, improvements, or changes described in subsection (b) must otherwise conform to applicable provisions of the Zoning Ordinance, Subdivision Regulations, and any other applicable County ordinance or regulation. (#O-2017-11)

619.2 Application Procedure.

The applicant shall submit a complete application to the Community Development Department Intake Desk. The applicant shall include the following: Eight (8) copies of the full size site plan drawn to a scale of not less than 1"=50' and one reduced copy (11" x 17") of the site plan drawn to a scale of not less than 1"=50'. The site plan shall be prepared by a surveyor, landscape architect, engineer or architect registered in the State of Georgia, and shall include all information required below. The applicant shall also submit the completed application and a fee based on the adopted fee schedule.

(a) Information required on the Site Plan.

- 1) Name of project and name of the owner of the property.
- 2) Names of project planner and developer and contact information.
- 3) North arrow.
- 4) Date, including all revision dates.
- 5) General location map.
- 6) Total Area and development area in acres.
- 7) Zoning District and any zoning variances or conditions: if project is in a Planned Development district, the name of the planned development and the date it was approved.
- 8) Zoning of contiguous properties and existing uses on contiguous property.
- 9) Boundary survey of the site with dimensions and bearings referenced to a permanent marker.
- 10) Existing topography at one (1) foot contour intervals or spot elevations often enough to adequately determine the slope of the site.
- 11) Flood zone boundary lines and flood hazard area statement.
- 12) Existing and proposed easement locations and uses including the holder of the easement and any restrictions imposed by the easement.
- 13) Required yards (building setbacks).
- 14) Existing streets, buildings, water bodies, beaches, dunes and marsh boundary line, and development set back line.
- 15) Existing water lines, sewer lines, and fire hydrants.
- 16) Existing storm water drainage structures.
- 17) Proposed locations of storm water detention areas, if required.
- 18) Locations, dimensions, building area, and uses of all proposed buildings and structures. Indicate building overhangs including but not limited to, balconies, cantilevers, eaves, and bay windows.
- 19) Conceptual building elevations.
- 20) Location of any existing or proposed underground storage tanks.
- 21) Curb cuts, vehicular access and circulation.
- 22) Pedestrian and other types of circulation.

- 23) Off street parking and loading areas and dimensions.
- 24) Recreation areas.
- 25) Buffer dimensions and composition.
- 26) Refuse collection areas.
- 27) Proposed and existing sign locations.
- 28) Project phasing, if applicable.
- 29) All trees with a trunk diameter of twenty-four (24) inches or more, measured four and five tenths (4.5) feet up from the ground.
- 30) Outdoor lighting arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- 31) Location of existing graves.
- 32) Signed seal of the design professional.

(b) Other required information that may be presented separately or on the site plan

- 1) Tabulation of the project density in dwelling units per net acre, if applicable.
- 2) Tabulation of site coverage, allowed and proposed.
- 3) Tabulation of impervious surface coverage
- 4) Tabulation of the number of required parking and loading spaces, required and proposed.
- 5) A statement describing the character and intended use of the development.
- 6) If common facilities, then including, but not limited to, recreation areas, private streets, and common open spaces are to be provided. Statements as to how they will be provided and maintained shall be submitted.
- 7) Description or drawing of the proposed water and sewer system.
- 8) Description or drawing of the proposed storm water drainage system.

(c) A sign will be posted on the subject property by Glynn County to inform the public of the application at least twelve (12) calendar days, but no more than thirty (30) calendar days, before the Planning Commission meeting on the site plan. The sign shall note the case number, meeting date, meeting time, and location of the meeting. The sign shall be posted in locations so as to be reasonably visible from the street. More than one sign may be posted on the property. (O-2008-08, 7/17/2008)

### 619.3 Community Development Department Application Review.

(a) Review Comments: All comments on applications will be entered in the development review comments posted on the Glynn County website. Each review department enters review comments separately. An applicant may request an alternate method to receive review comments at the time of submittal of the site plan application provided that the alternate method requested is feasible or available.

(b) Responses to review comments: A dated written response to each

review comment along with any plan revisions and requested information shall be submitted by the applicant to the Community Development Department. All review comments must be answered to the satisfaction of the Community Development Director in order to be placed on the Planning Commission agenda for site plan approval. (O-2008-08, 7/17/2008)

#### 619.4 Planning Commission Review and Action

(a) The Planning Commission review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section.
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County.
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated.
- 4) Adequate provisions are made to control the flow of storm water from and across the site.
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan.
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets.
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties.
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities.
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment.

(b) Planning Commission Action:

- 1) Approve the site plan as presented.
- 2) Approve the site plan with conditions. In approving a site plan the Planning Commission may impose conditions and restrictions so long as the intent of the Zoning Ordinance is carried out and the zoning district regulations established herein are not varied so as to make them less restrictive. If the Planning Commission so acts, then it shall specifically state those requirements which must be met before an applicant may be granted final site plan approval and a building permit. The applicant shall submit a site plan revised in accordance with the decision of the Planning Commission to the Community Development Department for approval before a building permit can be granted. The Community Development Director may elect to resubmit the plan to the Planning Commission for final approval.
- 3) Defer action. When there are concerns about approval of a site plan, action may be deferred.

4) Deny Approval. Approval of the site plan may be denied based upon findings that the proposed plan fails to comply with the requirements for approval. There shall be no waiting period required for submittal of a new site plan after a site plan has been denied, however it shall be considered a new application and shall be submitted with all required information and fees. (O-2008-08, 7/17/2008)

619.5 Allowed Modifications of Approved Site Plan. Subject to the applicant notifying the Community Development Director prior to submission of the building permit site plan, the following modifications to an approved site plan are allowed:

- 1) Reduction of the size of the building footprint.
- 2) Increase in the size of the proposed building footprint a maximum of five (5) percent provided the proposed number of required parking and / or loading spaces is provided and the increase does not affect site coverage or storm water drainage requirements.
- 3) Reduction in the number of parking spaces in exchange for additional green space or in order to save trees provided the number of required parking spaces is not reduced.
- 4) Elimination of particular on-site sidewalks in conjunction with the reduction of the size of the building footprint.
- 5) The applicant shall provide written notice to the Community Development Director if any of the above modifications has been made to an approved site plan. (O-2008-08, 7/17/2008)

619.6 Other Site Plan Modifications. Site plan modifications to an approved site plan other than those listed in Section 619.5, may be submitted to the Planning Division for approval by the Planning Commission during the validity period of the site plan and during the construction period after obtaining a valid building permit. Approval of such modifications will not extend the validity period of the site plan. Modifications that effect the original intent of the approved site plan as determined by the Community Development Director shall be processed as a new application and require the appropriate fees. (O-2008-08, 7/17/2008)

619.7 Application in conjunction with Rezoning Application. When an application for site plan approval is filed in conjunction with an application for rezoning, the Planning Commission must first reach a decision on the rezoning to be transmitted to the Board of Commissioners. No site plan filed in conjunction with an application for rezoning shall be deemed approved prior to final action by the Board of Commissioners. (O-2008-08, 7/17/2008)

619.8 Period of Validity. A site plan approved by the Planning Commission shall only be valid for twenty-four (24) months from the date of approval, unless within such period a building permit is obtained and construction commenced. When a site plan approval expires due to construction not being commenced, any and all building permits issued consistent with that site plan also expire. (O-2008-08, 7/17/2008)

619.9 Enforcement. A Certificate of Occupancy shall be withheld from all projects not meeting the requirements of the approved site plan. (O-2008-08, 7/17/2008)

619.10 Appeal

(a) An applicant whose application for site plan approval is denied by the Planning Commission may appeal such decision to the Board of Commissioners. Such appeal shall be made in writing and must be filed with and received by the Community Development Director within thirty (30) calendar days of the date of the meeting wherein the Planning Commission rendered its decision. The appeal must include the appellant's name and address and specifically state the grounds for which the Planning Commission's decision should be overturned or modified, based on procedural irregularity and/or the applicable criteria. Appeals received after the deadline shall be rejected and the appeal fee returned.

(b) The Board of Commissioners shall hear the appeal at a regularly scheduled meeting within sixty (60) calendar days of the Community Development Director's receipt of the written appeal. The hearing before the Board of Commissioners shall be confined to a review of the record of the proceeding before the applicable Planning Commission. No new evidence shall be admitted or considered at the hearing. The Board of Commissioners shall review the record for error based on procedural irregularity and/or error based on the sufficiency or insufficiency of the evidence to support the findings and conclusions of the Planning Commission that the applicable criteria were not met. Prior to the appeal hearing, the Board of Commissioners shall receive the record of the proceeding before the Planning Commission, including the adopted findings and conclusions of the Planning Commission, the written staff report submitted to the Planning Commission, and any information and documentation presented to the Planning Commission at the proceeding by the applicant, proponents, opponents, and County staff.

(c) At the appeal hearing, the Board of Commissioners shall hear from the appellant and from staff of the Community Development Department, each of whom shall have up to ten minutes to address the Board of Commissioners. After hearing from the appellant and county staff, the Board of Commissioners may ask questions of the individuals and parties

involved, as may be necessary to assist in rendering a decision. After concluding the hearing, the Board of Commissioners may: (1) affirm or reverse the decision of the Planning Commission in whole or in part; (2) affirm, modify, or reverse the decision of the Planning Commission with conditions; (3) remand the item back to the appropriate Planning Commission with instruction for further action; or (4) defer action on the appeal until a future meeting of the Board of Commissioners. (O-2018-06, 06/21/2018)

## **Section 620. Drainage Easements**

All dedicated easements for open drainage ways shall remain unobstructed in order to provide satisfactory access for maintenance vehicles and equipment. This requires that no fence, screens, or permanent structures be erected or placed on or within any drainage easement.

## **Section 621. House Moving Requirements**

Any person, firm or corporation desiring to move any house or structure over the roads of Glynn County shall be required to receive approval from the Glynn County Building Inspector. An application and fee shall be filed with the Building Inspector at least two weeks prior to the proposed move. In addition, the following provisions shall apply:

- a) A sign shall be posted on the property where the house or structure is to be relocated at least ten (10) days prior to the scheduled move. The sign shall list the date of proposed move, telephone number of the Building Inspector, and advise that any citizen has the right to appeal the proposed relocation.
- b) Upon completion of the move and the subsequent renovation, the value of the house shall be equal to at least 80% of the average assessed value of property within the immediate vicinity having a single-family classification. The Glynn County Board of Tax Assessors will determine this value.

The house after relocation and renovations shall contain the number of square feet of living area at least equal to 80% of the number of square feet of living area of that of adjoining single-family residences. The house and property shall also comply with any existing subdivision covenants or restrictions.

- c) If extensive rehabilitation is necessary to the structure to be moved, a performance bond, letter of credit or cash bond in favor of Glynn County shall be required to insure satisfactory compliance.
- d) The structure shall be required to meet all current Building Code requirements prior to receiving a Certificate of Occupancy.



- e) Aggrieved citizens or those adversely affected by such an application for the relocation of a house or structure shall have the right to appeal in writing the grant of a house moving permit to the Board of Commissioners. In the event of an appeal, a sign shall be posted on the property advising of the time, date and location of the hearing.
- f) The Building Inspector shall have the option in exercise of his discretion to refer any application to the Board of Commissioners for action. In such an event, a sign shall be posted on the property advising the time, date and location of the hearing.

**Section 622. Exterior lighting.**

622.1 Purpose and intent. It is the purpose of this Section to establish standards regarding exterior lighting for development and to minimize adverse visual impacts upon adjacent properties and drivers of vehicles. Lighting is not intended to be used as advertising or to draw attention to the building, grounds, or uses associated with such building. This Section is applicable for all exterior lighting and lighting within parking garage structures when visible from the outside of the building. (O-2008-10, 7/17/2008)

622.2 Exemptions. Single-family residential homes and temporary seasonal lights shall be exempt from these requirements so long as any site lighting does not create adverse light spillover or glare on adjacent residential properties or rights-of-way. (O-2008-10, 7/17/2008)

622.3 Requirements.

- (a) All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths foot candle above background, measured at the lot line of any adjoining residential district, residential portion of a PD, recorded single family subdivision in a FA district or any street right-of-way.
- (b) Off-site light spillover shall not produce a glare which creates a safety or traffic hazard.
- (c) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
  - (1) All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing capable of shielding the light source from direct view from any adjoining residential property or public right-of-way. Fixtures

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

- (2) Only LED, incandescent, fluorescent, metal halide, mercury vapor, or color corrected high-pressure sodium (CRI of 60 or better) light source may be used.
- (3) Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of the site. The maximum mounting height for a pole is thirty-five (35) feet.
- (4) All site lighting shall be designed so that the maximum levels of illumination as measured in foot-candles (f-c) at any one point meets the following standards.

#### ILLUMINATION LEVELS (IN FOOT-CANDLES)

<b>Location of Type of Lighting</b>	<b>Maximum Level (A)</b>
Non-residential and Multifamily Residential Parking Lots	10.0
Service station canopy (B)	60.0
Parking garage	60.0
Landscaped Areas	5.0

- (A) Level of illumination is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measure, in foot candles at points located on a ten-foot center grid, shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
- (B) A light meter sensor shall be read at ground level or the established grade in a horizontal position. Readings shall be taken only after the light source has been exposed long enough to provide a constant reading. Measurements shall be taken after dark with the light sources to be measured on and subsequently off. The difference of the two readings shall be compared to the permitted illumination level for each lighting zone.
- (C) The standards shall only apply under the service station canopy and up to 15 feet from the outside edge of the canopy. Canopy light fixtures, shall be aimed downward and shall be fully recessed or fully shielded so as to ensure that the light fixture is not visible from public rights-of-way or adjacent properties and does not cause glare. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. As an alternative to recessed lighting, indirect lighting may be used when light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the

canopy. No lighting shall be permitted on the top or sides of the canopy, excluding internally-illuminated signs.

(d) Strings of lights or other similar accent lighting may be installed on trees and landscaping and on buildings below the roofline provided:

- (i) Strings of lights shall not be suspended horizontally between any buildings, walls, fences, trees, or shrubs.
- (ii) Strings of light shall contain only low wattage clear bulbs (less than 100 lumens) without interior or exterior frosting, colors, or reflectors.
- (iii) Flag poles. A flag pole may be illuminated by fully-shielded spotlight light fixture or fixtures which shall not create off-site glare or light spillover above the established limits. The light fixture(s) shall be placed as close to the base of the flag pole as possible. (O-2008-10, 7/17/2008)

622.4 Prohibited Lighting. The following types of permanent outdoor light fixtures are prohibited:

- (a) Blinking, flashing, moving, revolving, flickering, changing color or intensity, and chase lighting.
- (b) Any light fixture that may be confused with or construed as a traffic control device.
- (c) Laser-source light fixtures.
- (d) Any lamp or bulb not within a light fixture (except for seasonal, accent, or landscape ornamental lighting) visible beyond the property line on which it is located.
- (e) Exposed or visible rare gas light tubing.
- (f) Upward-aimed unshielded lights projecting into the sky without interception by eaves, roofs, or overhangs.
- (g) Flood lights, security lighting, or similar equipment, whether or not wall-mounted, directed toward any residential district or subdivision. (O-2008-10, 7/17/2008)

622.5 Enforcement. Lighting installation and compliance is the full responsibility of the property owner. Upon receipt of a complaint regarding lighting, a study will be conducted and if the site is determined not to be in compliance with these requirements, the owner will be required to present and implement corrective measures. If the owner fails to make corrective measures, then Building Official shall be authorized to suspend or revoke the Certificate of Occupancy. (O-2008-10, 7/17/2008)

## **Section 623. Building Permit Application and Administration** (#O-2008-14)

### 623.1 Scope

A building permit is required for all construction, alteration, and repair of buildings or structures (hereinafter called "construction projects") in the unincorporated areas of Glynn County except as exempt by the adopted building codes contained in this Section and the Glynn County Code of Ordinances ("GCCO").

### 623.2 Applicable Codes, Standards, and Ordinances

Adherence to the provisions of the following codes, standards, and ordinances as applicable is required for all construction projects in unincorporated Glynn County.

2006 International Building Code with Georgia State Amendments, GCCO 2-5-20

2006 International Residential Code with Georgia State Amendments, GCCO 2-5-20

2006 International Fire Code, GCCO 2-7-1

2006 International Electrical Code, GCCO 2-5-30

2006 International Plumbing Code, GCCO 2-5-70

2006 International Mechanical Code, GCCO 2-5-60

2006 International Gas Code, GCCO 2-5-90

International Energy Code GCCO 2-5-20

Georgia Accessibility Standards, 1997 (Adopted by State)

\*GADOT Minimum Standards of Entrance to State Highway- latest edition

\*BGCJWSC Water & Sewer Specifications and Procedures

Soil Erosion and Sediment Control, GCCO 2-5 -100

Utilities and Services, GCCO 2-16

Health and Sanitation, GCCO 2-21

Natural Resources, GCCO 2-23

Glynn County Zoning Ordinance

Glynn County Subdivision Ordinance

Glynn County Water Resource Protection Ordinance GCCO 2-28

\* Compliance with these regulations must be demonstrated prior to issuance of a building permit.

### 623.3 Building Permits

After a project has received Site Plan approval from the Planning Commission, if required, and a Land Disturbance Application permit, if required, an application for a building permit may be processed through the Glynn County Building Inspection Department.

(a) Single family residential permit applications shall be accompanied by building plans and a site plan indicating compliance with the applicable codes, standards and ordinances. The site plan, based on an accurate boundary survey, shall indicate building locations, roof overhangs, cantilevers, driveways, water source, sewer, other utilities, site drainage, required yards, approximate location of mechanical equipment, and septic tank and drain field. Two (2) paper copies and one PDF copy of the building plans and the site plan are required to complete the application.

(b) Projects other than single family residential projects requiring infrastructure construction or modification shall be accompanied by construction documents indicating compliance with the applicable codes, standards and ordinances. Three (3) copies of the building construction plans and eight (8) copies of the site infrastructure plans (water, wastewater and stormwater conveyances) are required to complete the application except for restaurants and daycare / schools which require five (5) copies of the building construction plans and eight (8) copies of the site infrastructure plans. Additionally, one (1) copy of the approved building construction plans and site infrastructure plans shall be submitted.

(c) Projects other than single family, including commercial or industrial additions, remodels and interior buildouts not requiring infrastructure construction or modification, shall be accompanied by construction documents indicating compliance with the applicable codes, standards, and ordinances. Three (3) copies of the building construction plans and eight (8) copies of the site plans are required to complete the application except for restaurants and daycare / schools which require five (5) copies of the building construction plans and eight (8) copies of the site plans. Additionally, one (1) copy of the approved building construction plans and site infrastructure plans shall be submitted.

(d) Foundation Only Permit

A permit for construction of only a foundation may be requested when project timing or coordination it is not possible to present a completed application for a building permit. This request may be granted at the discretion of the Building Official in agreement with the Glynn County Fire Chief or his designee when substantial information and detailed statements have been filed indicating that the project is in compliance with all applicable codes, standards, and ordinances, and the site infrastructure plans are complete and approved by Glynn County. Issuance of a foundation permit shall not constitute a representation or assurance that a permit for the

entire project will be granted. Foundation only permits are valid for six (6) months from the date of issuance.

(e) Infrastructure Only Permit

A permit for only the water, sewer, grading, drainage, and paving portion of a project, herein referred to as the infrastructure, may be requested for projects that have a substantial amount of infrastructure work that must be completed prior to beginning any building construction. This request may be approved at the discretion of the Community Development Director in agreement with the Fire Marshal and County Engineer after the infrastructure construction plans and specifications have been approved as provided for in Section 623.7. Issuance of a foundation permit shall not constitute a representation or assurance that a permit for the entire project will be granted. Infrastructure only permits are valid for six (6) months from the date of issuance.

623.4 Certification by Design Professional

When required by the applicable codes, standards, and ordinances, construction documents shall be prepared and certified by registered design professionals working within the limitations and requirements of their professional license in the State of Georgia. These certifications, if necessary, are required to complete the building permit application

623.5 Fees

All applications for a building permit shall be accompanied by a fee based on the adopted fee schedule.

623.6 Required information for construction documentation for projects other than single family residential

Drawings, specifications, and other information submitted for a building permit shall incorporate the necessary information to indicate that the proposed construction meets all the requirements of the applicable codes, standards and ordinances in Section 623.2. The following is a general outline of information typically required for projects other than single family that include the construction or modification of site infrastructure. This is not meant to be a complete listing of all the information necessary to complete a building permit application.

(a) Site plan:

- 1) Plan with all information required by Section 619.2.
- 2) Information about graves if applicable.

(b) Soil Erosion and Sediment Control plans and details.

(c) Site Water and Sewer:

- 1) Plans and details.
- 2) Existing line sizes, pressure and flow rates.

- 2) Sewer line profiles.
  - 3) Estimated daily waste water discharge calculations.
  - 4) If applicable Information regarding discharge of waste other than normal sanitary sewer.
- (d) Grading, Paving and Drainage:
- 1) Plans and details.
  - 2) Drainage line profiles and structure details.
  - 3) Drainage design calculations.
  - 4) Drainage area map for on site and off site drainage areas.
- (e) Fire protection information indicated on various plans:
- 1) Fire hydrants; location of existing and proposed within a one thousand (1000) foot radius of the site.
  - 2) Needed fire flow calculations.
  - 3) Fire lane locations and dimensions and required signage.
  - 4) Emergency access to site if required.
  - 5) Location and other information about any proposed used or stored hazardous materials on site.
  - 6) Fire Department access key box locations, if required.
  - 7) Automatic fire sprinkler system information, if required.
  - 8) Location of fire extinguishers, emergency lighting, exit signs, fire alarms devices, smoke and heat detectors.
- (f) Accessibility (ADA) information indicated on various plans:
- 1) Dedicated parking spaces.
  - 2) Curb ramps and other ramps necessary for access, if required.
  - 3) Required toilets and fixtures.
  - 4) Required signage.
- (g) Building Construction:
- 1) Identify use and occupancy classification and type of construction in accordance with the adopted building code.
  - 2) Foundation plan and details.
  - 3) Floor plans.
  - 4) Exterior elevations.
  - 5) Wall sections and details.
  - 6) Plumbing plans and riser diagrams.
  - 7) Mechanical plans.
  - 8) Electrical plans and riser diagrams.
- (h) Additional Information. The Building Official may require additional information, such as:
- 1) Structural design calculations.
  - 2) Geotechnical reports.
  - 3) Information indicating compliance with the energy code.

### 623.7 Construction Document Review Process

(a) Initial Review: All comments on applications are entered in the development review comments posted on the Glynn County website. Each review department enters review comments separately. An applicant may request an alternate method to receive review comments at the time of the submittal of the building permit application.

(b) Responses to review comments: A dated written response to each review comment along with any plan revisions and requested information shall be submitted by the applicant to the Glynn County Building Inspection Department. The responses and other documentation will be reviewed and the review comments to the responses, if any, will be posted on the Glynn County website or as otherwise arranged. All review comments must be satisfactorily answered in order to obtain a building permit.

(c) The applicant has project approval when all departments have noted the project as compliant on the website.

### 623.8 Construction Inspection Process

(a) All approved construction projects require periodic inspections during the construction process. The type of inspections and when they will be required will be designated on the building permit. Inspections of the infrastructure are performed by the County Engineer's office. All contractors and subcontractors are responsible for requesting their own inspections.

(b) Construction inspections can be arranged through the Glynn County Building Inspection Division. It is the responsibility of the contractor or others in his employ to request the required construction inspections at the appropriate times during the construction process.

(c) Reinspections of non-compliant work require payment of reinspection fees.

(d) Construction projects that require site plan approval will be inspected for compliance with the approved site plan by the staff planner prior to issuance of the Certificate of Occupancy by the Building Official.

### 623.9 Requirements for Certificate of Occupancy



(a) Satisfactory completion of all required construction inspections and correction of unacceptable work.

(b) Record drawings of all water, sewer, and drainage systems that will be deeded to Glynn County. These drawings shall be prepared by a licensed surveyor or engineer.

(c) Copies of appropriate deeds for any required easements and noting the deed book and page in which they are recorded.

(d) For projects that require site plan approval, the Community Development Director shall require written notification from the registered professional architect or engineer who designed the project stating that the installation has been field checked and meets the requirements set forth on the approved site plan. No Certificate of Occupancy for the development will be issued until this compliance letter is received.

(e) County staff will inspect construction projects to determine that the installation meets the requirements set forth on the approved building permit, site plan, and architectural plans. However, the Community Development Director may elect to accept a letter from the design professional stating that the installation has been field checked and meets the requirements set forth on the approved building permit, site plan, and architectural plans in lieu of County staff approval. The Community Development Director may direct a Certificate of Occupancy to be issued based on such letter.

(f) The Community Development Director will issue a letter to the Building Official stating that the project meets all the requirements and is eligible for a Certificate of Occupancy.

## **Section 624. St. Simons Island Tree Canopy Preservation**

(#O-2018-08, 07/19/18)

The short title of this Section is “the Tree Canopy Preservation Ordinance.” Trees provide many environmental, social, and economic benefits. Trees clean the air by absorbing air pollutants and releasing oxygen, reduce storm water runoff and erosion, temper climate, can save energy, create wildlife habitat, provide a visual and physical buffer, provide aesthetic enhancements and contribute to the overall value of real estate. St. Simons Island in particular is recognized and renowned for its tree canopy; especially the mature Southern Live Oaks. Therefore, Glynn County deems it necessary and desirable in the interest of the public health, safety, and welfare to enact an ordinance for the primary purpose of the conservation and preservation of trees and for the secondary purposes of planting and replacement of trees, and to prevent the indiscriminate removal

of trees on St. Simons Island without denying the reasonable use and enjoyment of property.

#### 624.2 Applicability, Exemptions, and Nonconforming Commercial Developments.

(a) *Applicability.* It is the goal of Glynn County to achieve and maintain a tree canopy cover of at least 50% on St. Simons Island and to promote the functional distribution of that canopy throughout St. Simons Island. Compliance with the tree canopy cover requirement is achieved by requiring an approved Tree Plan for applicable sites. Applicable sites that are subject to the provisions of the Tree Canopy Preservation Ordinance are property on St. Simons Island:

- 1) zoned for any commercial or industrial use (including Planned Development) where development occurs for which a site plan, preliminary plat, expedited subdivision, or land disturbance permit is required;
- 2) zoned for residential use (including, but not limited to, mixed use, Forest Agricultural, Resort Residential, and Planned Development) where development occurs for which a site plan, preliminary plat, or land disturbance permit is required;
- 3) prior to clearing property or permitting the clearing of property zoned commercial;
- 4) prior to clearing property or permitting the clearing of property zoned residential if such residential property is one acre or larger in area;
- 5) located in the Village Preservation District where a demolition permit is sought or where development occurs for which a site plan is required; and
- 6) where a demolition permit is sought for a building built on, or across, the common lot line(s) of two or more contiguous substandard lots of record. Provided, however, this Section shall not apply if a consolidation plat reducing the number of substandard lots is submitted along with the application for a demolition permit.

(b) *Exemptions.* The following shall be exempt from compliance with the requirements of this Section:

- 1) Single family residential standard lots of record appearing on a preliminary plat or final plat approved prior to adoption of this Section. This exemption shall not apply to preliminary plats that are void pursuant to Section 704 of the Glynn County Subdivision Regulations;

- 2) Building permits for single family residential property; provided, however that any property located in a subdivision with an approved Tree Plan must abide by the terms of the approved Tree Plan;
- 3) Building permits that do not require site plan approval;
- 4) Building permits and site plans for existing structures wherein the owner certifies that no trees preserved or planted for tree canopy credit pursuant to any approved Tree Plan will be removed and that no improvements will be placed within the tree protection zone of any tree preserved or planted for tree canopy credit pursuant to any approved Tree Plan;
- 5) The portions of golf courses dedicated to playing the game of golf, including out-of-bounds areas and wooded areas between fairways and greens. The portions of a golf course used for clubhouses, pro shops, and other similar structures shall not be exempt;
- 6) The removal of trees on public rights-of-ways (and adjacent areas within the construction limits of rights-of-ways) conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way and the removal or trimming of trees by, or on behalf of, a utility company for the purpose of providing clearance for utility lines. Glynn County trees shall be trimmed in accordance with the requirements of Section 2-16-307 of the Glynn County Code of Ordinances. Trees on public rights-of-way and other Glynn County property are governed by the provisions of Section 2-16-301 et. seq. of the Glynn County Code of Ordinances;
- 7) The removal of any tree which, in the opinion of the County Arborist, is a danger to human life or property. Provided, however, that such tree must be replaced if the removal of the tree results in the property falling below the minimum tree canopy required pursuant to any approved Tree Plan;
- 8) During the period of any declared state of emergency the requirements of this Section may be waived by the Chairman of the Board of Commissioners or, in the absence of the Chairman, the County Manager. Trees removed or lost during the declared state of emergency must be replaced if the property would fall below the minimum tree canopy requirement absent replacement;
- 9) Airport property at the McKinnon St. Simons Island Airport;
- 10) The removal, cutting, or trimming of trees which penetrate, or have the potential to penetrate, aircraft navigation surfaces including, but not limited to: approach, departure, conical, transitional, horizontal, instrument approach, instrument

departure surfaces, or any other civil airport imaginary surface required by the Federal Aviation Administration;

11) Land zoned and primarily used for agriculture or silvaculture;

12) Plant or tree nurseries or tree farms only in relation to those trees which are planted and growing for sale or intended for sale to the general public in the ordinary course of business; and

13) The removal of trees from lakes, detention ponds, or drainage easements.

(c) *Nonconforming Commercial Development.* A lawfully existing commercial development that becomes nonconforming as a result of adoption of this Section, or any amendment thereto, shall be considered a nonconforming commercial development for the purposes of this Section. It is recognized that strict compliance with the provisions of this Section may be difficult for nonconforming commercial developments. The following exceptions apply to nonconforming commercial developments:

1) Alterations to a building or structure, other than those necessitated by an act of God, that require site plan approval, while still requiring an approved Tree Plan, shall only be required to comply with the open soil area requirements of this Section to the extent feasible and practical. This exception shall not apply if the alteration involves changes to 50% or more of the development area of a site; or

2) Buildings or structures damaged or destroyed by fire, flood, storm, or other act of God may be repaired or rebuilt without an approved Tree Plan and without meeting the open soil area requirements of this Section if: (i) the owner provides documentation to the Community Development Director demonstrating that the commercial development lawfully existed at the time of adoption of the tree canopy requirement(s) herein; (ii) repair or reconstruction commences within two (2) years from the date it was damaged or destroyed; and (iii) the nonconforming development retains or restores and maintains any tree canopy that existed prior to such damage or destruction.

Provided, however, that if other requirements reduce the amount of development area utilized for structures, parking, or impermeable surfaces; then such resulting area shall be used to provide open soil area for the growth and maintenance of trees.

(d) Permits issued, plats approved, and site plans approved prior to the adoption of this Section shall not be required to comply with the provisions of this Section unless redevelopment or changes are proposed which would require site plan approval, would require an approved preliminary plat or a new permit, or unless such permit or approval has expired by operation of law or under the terms of the Zoning Ordinance or the Subdivision Regulations.

### 624.3 Tree Canopy Requirements.

- (a) The Tree Canopy Preservation Ordinance requires that all applicable sites maintain a minimum tree canopy. Maintenance of the tree canopy is achieved on applicable sites by (1) requiring that at least 25% of the development area after development be retained as open soil area dedicated to the growth and maintenance of trees and (2) maintaining a minimum tree density of 12 Large Canopy Trees per acre of development area. These requirements must be met whether or not the property had trees prior to development. Open soil areas may be planted with shrubs, groundcover, other plant materials, or mulched but no impervious surfaces will be allowed. The process for calculating the tree canopy requirement for property can be found in Appendix "A".
- (b) Area is measured in square feet. The minimum open soil area shall be calculated by dividing the development area of the property by four.
- (c) As detailed in 624.6, Glynn County trees whose structural root zones extend onto applicable sites shall be preserved and the property owner shall receive tree canopy credit for the open soil area located on its property dedicated to the growth and maintenance of the tree.
- (d) The area of tree canopy for which credit is given shall always remain as open soil area dedicated to the growth and maintenance of trees and there shall be no other use of the area other than for tree growth. The area shall remain permeable, open soil as required by this Section.
- (e) The tree density requirement may be achieved by preserving existing trees, planting new trees, or some combination of both.
- (f) Any tree to be preserved or planted for tree canopy credit within any civil airport imaginary surface required by the Federal Aviation Administration including, but not limited to, approach, departure, conical, transitional, horizontal, instrument approach, or instrument departure surfaces, shall not be of a size or species that would penetrate these imaginary surfaces at the general mature height of the tree. Additionally, in accordance with Section 1305 of the Zoning Ordinance, a property owner shall not allow a tree to grow to a height in excess of the height limitations established in Article XIII.
- (g) For preliminary plats, expedited subdivisions, and demolition permits for substandard lots of record without a consolidation plat, the tree canopy requirement shall be calculated based upon the overall site and not individual lots. A Tree Plan approved in conjunction with a preliminary plat, expedited subdivision, or demolition permit for substandard lots of record without a consolidation plat shall be binding upon, and applicable to, the owners of the resulting lots.

- (h) The tree canopy cover should be distributed throughout the site or lot. Accordingly, trees may be placed in parking lots, in setbacks, in buffers, in common areas, within the side, front, and rear yards of the lot, and on the earthen slopes of storm water detention areas in a manner that will not interfere with the operation of the detention area.
- (i) The provisions of this Section regarding open soil area, minimum planting area, and tree protection standards shall only apply to those trees on a site for which the applicant seeks to receive tree canopy credit.

#### 624.4 Measurement of Tree Canopy.

Tree canopy requirements may be met by preserving existing individual trees, preserving groups of individual existing trees, by planting trees, or a combination of preservation and planting. For a tree to be eligible for meeting the tree canopy requirements, its trunk must be growing wholly on that property (with the exception of Glynn County trees) and must be located within the required open soil area. The eligible categories of tree canopy are measured as follows:

- (a) The open soil area that is credited to a preserved individual tree or a group of preserved individual trees shall be the actual square footage of the open soil area dedicated to the growth and maintenance of the tree(s). The minimum amount of open soil area for any individual tree or group of trees is 400 square feet. Designation of the critical root zone as the minimum amount of open soil area for a tree is favored and encouraged, but not required, if such area is greater than 400 square feet.
  - 1) Any existing Large Canopy Tree of six inches DBH or greater retained in good growing condition on the property is eligible for use in meeting the tree canopy requirements. Provided, however, that invasive species and certain non-native trees shall not be eligible for use in meeting the tree canopy requirements. A list of these invasive species and non-native trees shall be kept and maintained by the County Arborist.
- (b) The open soil area that is credited to a newly planted tree shall be the actual square foot area of the open soil area dedicated to the growth and maintenance of the tree. The minimum amount of open soil area for any planted tree is 400 square feet. Designation of the critical root zone as the minimum amount of open soil area for a tree is favored and encouraged, but not required, if such area is greater than 400 square feet.
  - 1) Large Canopy Tree of a selected species from the Glynn County Preferred Species List set forth in Appendix "B" and must be at least six feet tall and two inch caliper or greater.

- (c) Preserved Specimen Trees shall be credited with 1.25 times the actual square foot area of the open soil area dedicated to the growth and maintenance of that tree. The minimum amount of open soil area is 400 square feet.
- (d) Parking lot trees, meaning trees preserved or planted within the interior portions of parking lots, may be utilized to meet a portion of the tree canopy requirements. Parking lot trees are not required to have the minimum 400 feet of open soil area. The minimum open soil area for parking lot trees is 180 square feet. Parking lot trees may not comprise more than one-third (1/3) of the total number of trees used to meet the tree density requirement.

#### 624.5 Tree Protection Standards.

Trees preserved and/or planted to meet the tree canopy requirements shall be actively protected during development and passively protected throughout the life of the tree. Tree protection zones shall be established prior to commencement of land development activities and maintained for the duration of development for trees preserved or planted to meet the tree canopy requirements.

(a) Active tree protection shall meet the following minimum criteria:

- 1) Protective fencing shall be installed at the location of the tree protection zone prior to any development, construction, or land disturbance activity on the property and shall remain in place until construction activities end or a certificate of occupancy is issued, whichever is later.
- 2) Tree protection fencing shall be four feet high, high-visibility polypropylene fencing erected with sturdy posts.
- 3) The trunks of trees designated for preservation on the Tree Plan shall be encircled with green flagging tape, green surveyor's tape, or green barricade tape at least two (2) inches in width.
- 4) The activities described in subsection 624.5(c) are prohibited within the tree protection zone.
- 5) Low hanging limbs that may be damaged by equipment traffic or other construction activity shall be pruned so as to prevent such damage prior to commencement of any development, construction, or land disturbance activity.
- 6) When equipment movement is likely to cause damage to tree trunks, the tree trunks shall be wrapped vertically with one layer of two inch by four inch lumber spaced a maximum of 12 inches apart and secured with strapping. The wrapping shall remain in place throughout the time that damage is likely to occur.

- (b) Passive tree protection shall require, at a minimum, the avoidance of the activities described in subsection 624.5(c) within the tree protection zone.
- (c) The following activities, along with any other activities harmful to a tree's roots, trunk, or crown are prohibited within the tree protection zone:
- 1) Vehicle or equipment traffic, parking, or storage;
  - 2) Storage of materials or supplies;
  - 3) Disposal of waste material such as paint, oil, solvents, or other harmful substances;
  - 4) Placement of any temporary or permanent structures;
  - 5) Equipment maintenance or washout;
  - 6) Wounding of the trunk;
  - 7) Wounding or cutting of roots;
  - 8) Pruning not in accordance with the American National Standards Institute (ANSI) A300 Pruning Standards;
  - 9) Paving with concrete, asphalt or other impervious surface; and
  - 10) Altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil.
- (d) Any trees preserved or planted in accordance with an approved Tree Plan that die or are severely damaged within the first two years after construction shall be replaced in accordance with the standards of 624.4(b). Any replacement trees shall be maintained for a minimum of two consecutive years after planting or replacement. A statement providing notice of this requirement shall be placed on the Final Plat for every subdivision with an approved Tree Plan.

#### 624.6 Protection of Glynn County Trees

- (a) All trees growing on Glynn County property, including public streets rights-of-way, Glynn County offices and facilities, parks and recreation areas, and all other public areas, shall be protected trees. It shall be unlawful for any person other than Glynn County to cut, remove, move, prune, damage or cause the death of any Glynn County tree or to engage in any of the activities described in subsection 624.5(c) within the tree protection zone of any such tree; whether or not the tree protection zone extends onto adjacent private property.



- (b) When activities necessitating an approved Tree Plan are conducted on property subject to the provisions of this Section, Glynn County trees shall be actively protected during development and passively protected throughout the life of the tree if the structural root zone of the Glynn County tree extends onto the property. Tree protection zones shall be established for such Glynn County trees on applicable sites. The tree protection zone shall be established and maintained for the duration of development and the life of the tree in accordance with the standards set forth in 624.5. Owners of property required to obtain an approved Tree Plan shall receive tree canopy credit for the open soil area dedicated to the preservation and maintenance of Glynn County trees when required to protect a Glynn County tree.
- (c) During development of property subject to the provisions of this Section, the tree protection zone of any Glynn County tree adjoining the property and within the public right-of-way shall be protected as provided in subsections 624.5(a) and 624.5(c). This provision shall apply whether or not the tree protection zone extends onto the adjoining private property.
- (d) Applicable sites shall not be required to protect the structural root zone of a Glynn County tree if the trunk of the Glynn County tree is separated from the property line of the applicable site by a public or private road with a right-of-way of not less than 50 feet in width.

#### 624.7 Tree Plan and Review Process.

- (a) **Tree Plan.** Owners of the property delineated in subsection 624.2 shall prepare and submit a proposed Tree Plan for review contemporaneously with an application for a site plan, preliminary plat, expedited subdivision, demolition permit, land disturbance permit, or with a request to separate a substandard lot of record into separate tax parcels. The Tree Plan shall show the amount, location, and type of tree canopy currently existing on the property as of the date of submission of the Tree Plan and the tree canopy to be preserved or planted on the property.
  - 1) The proposed Tree Plan shall be in the form of a to-scale map or a site plan prepared by a registered surveyor, registered engineer, registered landscape architect, or registered architect properly sealed by the preparer, and shall include the following information:
    - a. Property line with bearings and distances, easements, marsh and wetland delineations, and other information necessary to calculate development area;
    - b. A tree survey noting the location of all trees of 12 inches DBH or greater on the property along with the species common name and DBH. Groupings of trees with overlapping canopies may be identified together when feasible;

- c. Photographs of all trees proposed for removal, all trees proposed for preservation, and all Glynn County trees abutting the property. Individual photographs of each tree are required for sites of one acre or less. Photographs of groups of trees, including aerial photographs or satellite images, are allowed for sites greater than one acre so long as such photographs provide enough detail to adequately and accurately represent the trees located on the site;
  - d. For individual trees and groups of trees to be preserved - the species common name, DBH, location of the trunk, the amount and location of open soil area for the tree(s), the boundaries of the tree protection zone, and the location of protective fencing;
  - e. For planted trees – the species common name, the caliper and height at time of planting, the amount and location of open soil area for the tree, the boundaries of the tree protection zone, and the location of protective fencing;
  - f. Glynn County trees – the locations of any and all Glynn County trees whose structural root zones extend onto the property, the species common name of each tree, DBH, location of the trunk, the amount and location of open soil area for the trees, the boundaries of the tree protection zone, and the location of protective fencing;
  - g. Specimen Trees - the locations of any and all specimen trees, the species common name of each tree, DBH, and whether the tree will be preserved;
  - h. The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, utility lines, and easements;
  - i. If applicable, the locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.); and
  - j. Calculations showing compliance with the tree canopy requirements using existing trees and replacement trees.
- (b) **Review Process.** Tree Plans shall be evaluated by the County Arborist prior to being forwarded to the Islands Planning Commission or Community Development Director for consideration. The County Arborist shall provide recommendations regarding the Tree Plan to the Community Development Department as part of its development review process. Consideration of a proposed Tree Plan shall occur as follows:

- 1) *Application.* Applicants seeking review of a Tree Plan shall file the Tree Plan with the Community Development Department. Tree Plans with missing and/or inaccurate information will be returned to the applicant and will not be processed. Upon receipt of a complete Tree Plan application, the Tree Plan will be submitted to the County Arborist for review. The County Arborist shall schedule and conduct an inspection of the property. The applicant or their designee shall be advised as to the date and time of the inspection and given an opportunity to participate. Following inspection, the County Arborist shall advise the applicant of any recommended changes in the applicant's proposed Tree Plan necessary to make it comply with the provisions of this Section. The County Arborist shall forward the proposed Tree Plan to the Community Development Department with a recommendation.
  
- 2) *Consideration by Islands Planning Commission.* The Islands Planning Commission shall consider Tree Plans filed in conjunction with an application for a site plan or Island Preservation District demolition permit. No site plan or Island Preservation District demolition permit shall be deemed approved unless and until the accompanying Tree Plan is approved by either the Islands Planning Commission or by the Board of Commissioners on appeal. The Islands Planning Commission will consider the Tree Plan at the same meeting as the accompanying application. The public shall be given notice of consideration of the proposed Tree Plan by placement of a sign in a conspicuous location on the subject property or within the right-of-way adjacent to the subject property. The sign shall contain the date, time, and place of the meeting of the Islands Planning Commission. The sign shall be posted at least 15 days, but not more than 45 days, prior to the date of the meeting.

The Islands Planning Commission shall consider the recommendations of the County Arborist in making its decision whether the proposed Tree Plan is in compliance with the technical standards and protection requirements of this Section. The Islands Planning Commission may approve, approve with conditions, deny, or defer action on a proposed Tree Plan. When denying a Tree Plan the Islands Planning Commission shall include the reasons for such denial in its motion.

- 3) *Consideration by Community Development Director.* The Community Development Director shall consider Tree Plans filed in conjunction with an application for a preliminary plat, expedited subdivision, land disturbance permit, clearing of commercial property, demolition permit for buildings built on, or across, the common lot line(s) of two more contiguous substandard lots of record, and requests to separate a tax parcel when the parcel consists of two or more contiguous substandard lots of record. None of the aforementioned applications or requests shall be deemed approved unless and until the accompanying Tree Plan is approved by either the Community Development Director or by the Board of Commissioners on appeal.

The Community Development Director shall consider the recommendations of the County Arborist in making the decision whether the proposed Tree Plan is in compliance with the technical standards and protection requirements of this Section. The Community Development Director may approve, approve with conditions, or deny the proposed Tree Plan. When denying a Tree Plan the Community Development Director shall provide the reasons for such denial to the applicant in writing.

4) *Appeals.*

(a) An applicant whose application for a Tree Plan is denied by the Islands Planning Commission or the Community Development Director may appeal such decision to the Board of Commissioners. Such appeal shall be made in writing and must be filed with and received by the Community Development Director. For appeals from the Islands Planning Commission, the appeal must be delivered within 30 days of the date of the meeting wherein the Islands Planning Commission made its decision or reported its reasons for denial. For appeals from the Community Development Director, the appeal must be delivered within 30 days of the date of transmission of the written reasons for denial. The written appeal must include the appellant's name and address and specifically state the grounds for which the decision of the Islands Planning Commission or Community Development Director should be overturned or modified, based on procedural irregularity and/or the applicable criteria. Appeals received after the deadline shall be rejected.

(b) The Board of Commissioners shall hear the appeal at a regularly scheduled meeting within sixty (60) calendar days of the Community Development Director's receipt of the written appeal. The hearing before the Board of Commissioners shall be confined to a review of the record of the proceeding before the Islands Planning Commission. If the appeal is from a decision of the Community Development Director, the review will be confined to a review of the materials submitted to him or her regarding the application. No new evidence shall be admitted or considered at the hearing. The Board of Commissioners shall review the record for error based on procedural irregularity and/or error based on the sufficiency or insufficiency of the evidence to support the findings and conclusions of the Islands Planning Commission or Community Development Director that the applicable criteria were not met. Prior to the appeal hearing, the Board of Commissioners shall receive the record of the proceeding before the Islands Planning Commission, including the adopted findings and conclusions of the Islands Planning Commission, the written staff report submitted to the Islands Planning Commission, and any information and documentation presented to the Islands Planning Commission at the proceeding by the applicant, proponents, opponents, and County staff. For appeals from a decision of the Community Development Director, the Board of Commissioners shall receive any information and documentation

presented to the Community Development Director regarding the Tree Plan application, the recommendation and/or findings of the County Arborist, and the written reasons for denial.

- (c) At the appeal hearing, the Board of Commissioners shall hear from the appellant and from staff of the Community Development Department, each of whom shall have up to ten minutes to address the Board of Commissioners. After hearing from the appellant and county staff, the Board of Commissioners may ask questions of the individuals and parties involved, including those members of the Islands Planning Commission that voted to deny, as may be necessary to assist in rendering a decision. After concluding the hearing, the Board of Commissioners may: (1) affirm or reverse the decision in whole or in part; (2) affirm, modify, or reverse the decision with conditions; (3) remand the item back to the Islands Planning Commission or Community Development Director with instruction for further action; or (4) defer action on the appeal until a future meeting of the Board of Commissioners.
- 5) *Review by Tree Board; Glynn County Trees.* When a proposed Tree Plan includes a site where the structural root zone of a Glynn County tree extends onto the site, the Tree Board shall consider and make recommendations regarding the Tree Plan prior to consideration and final approval by either the Islands Planning Commission or the Community Development Director. The Tree Board shall prepare a written report which includes its recommendation(s) and forward said report to either the Islands Planning Commission or the Community Development Director. The Tree Board shall provide its recommendation within 60 days of the receipt of a complete Tree Plan application by the Community Development Department. If the Tree Board does not provide a recommendation within 60 days, the Tree Plan shall be deemed to have been recommended for approval by the Tree Board.

#### 624.8 Variances.

- (a) Where exceptional practical difficulties, special conditions, hardships, or results inconsistent with the purpose and intent of this Section may result from the strict application of certain provisions thereof, variances may be granted by the Islands Planning Commission upon a finding that the criteria in 624.8(b) have been met.
- (b) All variance requests, including those associated with an application subject to the approval of the Community Development Director, shall be considered and decided by the Islands Planning Commission. Variance requests shall be submitted along with the Tree Plan application and shall include a statement and evidence demonstrating that the following criteria are met:

- (1) There are extraordinary and exceptional conditions pertaining to the particular subject property because of its size, shape, or topography;
- (2) Such conditions are peculiar to the subject property;
- (3) The special conditions or circumstances are not self-imposed – meaning they do not result from the action(s) or inaction of the applicant; and
- (4) The variance, if granted, would not cause substantial harm to the public good or impair the purpose and intent of this Ordinance.

This Section is not intended to prevent the preservation of Mature Live Oak trees in circumstances which do not meet the requirements of this Section. In development or redevelopment of property on St. Simons Island, it is preferred that Mature Live Oak trees are preserved wherever possible. In furtherance of that preference, and in addition to the foregoing criteria, a variance may be granted where the requestor demonstrates that the strict application of this Section would prevent the preservation of Mature Live Oaks on the property.

- (c) In exercising its authority to consider variances, the Islands Planning Commission may approve, approve with conditions, deny, or defer action on a variance request. No variance shall be permitted for a land use that is not a permitted use within the zoning district in which the property is located. No variance shall be permitted which fully eliminates the open soil area required by this Section.

#### 624.9 Preservation of Mature Live Oaks

St. Simons Island is particularly known and renowned for its mature Live Oak trees. Accordingly, preservation of such trees is deemed to be necessary and desirable.

- (a) Any provision to the contrary in this Section notwithstanding, all Live Oak trees (Latin name: *Quercus virginiana*), 38 inches DBH or greater, located on St. Simons Island shall be classified as mature Live Oak trees. A mature Live Oak tree shall not be removed from any property on St. Simons Island, regardless of the zoning or size of the property, without prior consent or approval from the Community Development Director; except for Glynn County trees removed by Glynn County. Tree removal shall be approved only if the mature Live Oak meets one or more of the following conditions:
  - (1) Dead.
  - (2) Insect infestation or disease for which treatment is impractical, causing tree decline, and with a high probability of spreading to other trees.
  - (3) Damage such that it is more likely than not that the tree will die.

- (4) Unresolvable conflict with infrastructure or existing structure that is creating an unsafe condition, damage to the infrastructure/structure, or poses a hazard to the public health, safety, or welfare.
- (5) Unresolvable conflict with a permitted use (under the applicable provisions of the Zoning Ordinance) which makes such use impractical or impossible.
- (6) The tree creates an unsafe condition or poses a hazard to public health, safety, or welfare.

The Community Development Director, with input from the County Arborist, shall determine whether a mature Live Oak meets any of the above conditions.

- (b) If removal of a mature Live Oak is proposed by a Tree Plan submitted for consideration by the Islands Planning Commission or the Community Development Director, the County Arborist must be consulted regarding the criteria in 624.9(a) before the Tree Plan may be approved. In all other instances of proposed removal, the Community Development Director shall have the authority to approve or deny removal of a mature Live Oak tree.
- (c) For each mature Live Oak removed, one new Live Oak of at least four (4) inches DBH shall be planted on the property by the applicant.

#### 624.10 Penalties.

- (a) A violation of the provisions of this Section shall be a misdemeanor. The maximum permissible fine shall be \$1,000.00 per offense. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Section whether violations of the same or different provisions of this Section as the initial violation, and whether involving the same or different property, shall increase the fine owing.
  - 1) First violation: For the first violation of any provision of this Section by any violator (whether an individual or corporation), the fine shall be a minimum of \$500.00.
  - 2) Second violation: For the second violation of any provision of this Section (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$750.00.
  - 3) Third and subsequent violations: For the third and subsequent violation of any provision of this Section (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$900.00.

- (b) In the event that a tree preserved or planted in accordance with an approved Tree Plan is removed in violation of this Section, violators shall be subject to replace the tree with a tree or trees equaling 125% of the total caliper of the removed or damaged trees. Furthermore, the location of the tree's open soil area shall permanently remain in a pervious state with no structures or buildings placed on it.
- (c) Upon notice from the Community Development Director, work on any development that is being done contrary to the provisions of this Section shall immediately cease. The stop-work notice shall be in writing and shall go 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. When an emergency exists, the Community Development Director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this Section, the Community Development Director may revoke any permit previously issued by the Glynn County Community Development Department pertaining to the development activity for which the development activity permit has been issued until, at his or her discretion, the work on the development is brought into compliance with the provisions of this Section.
- (d) In addition to the foregoing remedies, if the person engaged in development activity fails to obey a written notice to comply within the time specified, he shall be deemed in violation of this Section and, in addition to other penalties, the Community Development Director may direct the Building Official to refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the measures necessary to achieve compliance with this Section have been completed and all violations of this Section have been brought into compliance.
- (e) The owner of any property where a violation of this Section occurs and any architect, builder, contractor, or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

#### 624.11 Liability, Severability, Effective Date.

- (a) The contents of this Section shall not in any way be deemed to impose any liability on Glynn County, the Board of Commissioners, the County Arborist, or Glynn County employees nor shall it relieve the owner of any private property from the duty to keep trees in a safe condition as not to adversely affect the health, safety, and welfare of the public.
- (b) Should any section, subsection, clause, or provision of this Section be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Section in whole or any part thereof other than the part so declared to be invalid.



- (c) This Section shall become effective upon its adoption. To the extent that a person has submitted a complete application to Glynn County for a site plan, building permit, preliminary plat, expedited subdivision, demolition permit or land disturbance permit prior to adoption of this Section, such person shall not be subject to this Section and shall be subject to such requirements in existence prior to the adoption of this Section.
- (d) This Section is not intended to repeal, abrogate, or supersede any existing Tree Plan or Planned Development tree standards approved by Glynn County or the Planning Commissions.

#### 624.12 Definitions.

For the purposes of this Section, the following definitions shall apply:

*Airport property* means that property consisting of "Tract 'A' – Aviation Area" as described in the Planned Development District for the McKinnon St. Simons Airport; as initially adopted by the Board of Commissioners on October 16, 2014, and as amended from time to time.

*Arborist* means a person who has been trained in the growing, diagnosing, treating, pruning, and removing of trees and who is certified by the International Society of Arboriculture.

*Caliper* means a standard of trunk measurement for trees. Caliper inches are measured at the height of six (6) inches above the ground for trees up to and including 4-inch caliper and twelve (12) inches above the ground for trees larger than 4-inch caliper.

*Clearing* means the removal of trees of six inches DBH or greater. Clearing shall not mean the removal of underbrush, trees less than six inches DBH, invasive species, or non-native trees.

*Community Development Director* means the Director of the Glynn County Community Development Department or their designee.

*County* means Glynn County, Georgia.

*Critical root zone* means the minimum area beneath and surrounding a tree, which must be left undisturbed in order to sustain the health of a tree. The Critical Root Zone is represented by a circle centering on the tree's trunk with a diameter equivalent to 2.5 feet for every one inch in DBH. Example: The Critical Root Zone diameter of a 20-inch diameter tree is fifty (50) feet.

*Development Area* means all land used in the calculations for Density and Site Coverage (as defined in Section 302 of the Zoning Ordinance). Development Area shall not include "Waters of the State" as defined by the Georgia Department of Natural Resources, "Jurisdictional Wetlands" as defined by the Army Corps of Engineers, areas seaward of the Beach and Dune Development Setback Line as defined in Section 727, public or private rights-of-way, access easements, or accessways as appropriate.

*Diameter breast-height/DBH* means the standard measure of tree size. The tree trunk is measured at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet above the ground, then each trunk will be measured separately as an individual tree at four and one-half (4½) feet above the ground.

*Glynn County Arborist* means the individual empowered by Glynn County with the responsibility for reviewing plans, conducting site inspections, and otherwise administering the provisions of this Section.

*Glynn County Tree* means any tree whose trunk is growing wholly or partially on land in which Glynn County has a property interest, including, but not limited to, public street rights-of-way, parks, and building and facility yards.

*Large Canopy Tree* means a large tree with wide spread and being of a species so listed in the Preferred Species List of the Glynn County Comprehensive Tree Plan, as adopted by the Board of Commissioners from time to time.

*Open soil area* means the area beneath and around a planted or preserved tree that shall remain in a permeable condition and is not covered by man-made or impermeable materials or structures such as buildings, hardscapes, impermeable pads, or paving in such a way as to prevent the natural passage of water and atmosphere.

*Pervious surface* means all that area of real property that can be landscaped or planted, allows the natural passage of water from the surface into the water table, and is not covered by man-made materials or structures such as buildings or paving.

*Section* means Section 624 of the Zoning Ordinance in its entirety.

*Silviculture* means the planting, producing, and tending of stands of trees specifically for the purpose of harvesting for market. Silviculture is a permitted use only in the Forest Agricultural (FA) District pursuant to Section 704 of the Zoning Ordinance.

*Specimen tree* means any tree which, in the determination of the Islands Planning Commission, qualifies for special consideration for conservation due to its size, type, condition, location, registration or historical significance and is determined by

the County Arborist, prior to development, to be in overall good health without the aid of a specialized care plan according to accepted International Society of Arboriculture practices. Specimen trees shall include, but not be limited to, the following:

Common Name	Species	Diameter at Breast Height (DBH)
Live Oak (single/double trunk)	<i>Quercus virginiana</i>	38 inches
Live Oak (multiple trunk)	<i>Quercus virginiana</i>	60 inches cumulative
Southern Magnolia	<i>Magnolia grandiflora</i>	30 inches
Red Cedar	<i>Juniperus virginiana</i>	24 inches
Bald Cypress	<i>Taxodium distichum</i>	36 inches

*Structural Root Zone* means the area beneath and surrounding a tree, which must be left undisturbed in order to sustain the structural stability of a tree. The Structural Root Zone is represented by a concentric circle centering on the tree's trunk with a diameter equivalent to 0.9 feet for every one inch in DBH. Example: The Structural Root Zone diameter of a 20-inch diameter tree is eighteen (18) feet.

*Substandard lot of record* means a lot of record that was legally and properly recorded prior to the passage of this Ordinance on February 1, 1966, with a lot width less than that permitted in the zoning district in which it is located or that is smaller in total area than the minimum area permitted for the zoning district within which it is located.

*Tree* means any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

*Tree Board* means that body created and described in Article V, Chapter 2-16, of the Glynn County Code of Ordinances.

*Tree Plan* means the document(s) required by subsection 624.7 of this Section.

*Tree removal or removal of trees* means the cutting, toppling, destruction, moving, or removing of a tree or trees; and including any act, which causes a tree to die within two (2) years after commission of the act, including but not limited to damage inflicted upon the root system in the structural root zone or trunk as the result of:

- 1) Vehicle or equipment traffic, parking, or storage;
- 2) Storage of materials or supplies;
- 3) Disposal of waste material such as paint, oil, solvents, or other harmful substances;
- 4) Placement of any temporary or permanent structures;

- 5) Equipment maintenance or washout;
- 6) Wounding of the trunk;
- 7) Wounding or cutting of roots;
- 8) Pruning not in accordance with the American National Standards Institute (ANSI) A300 Pruning Standards;
- 9) Paving with concrete, asphalt or other impervious surface; or
- 10) Altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil.

*Tree Protection Zone* means an area surrounding a tree encompassing the structural root zone of a tree.

## APPENDIX "A" - Tree Canopy Analysis and Requirement Calculation.

The Tree Canopy Preservation Ordinance requires that all applicable sites maintain a minimum tree canopy by dedicating at least 25% of the development area after development as open soil area dedicated to the growth and maintenance of trees and by providing a minimum tree density of 12 Large Canopy Trees per acre of development area.

(a) The open soil requirement analysis is performed using the following formula:

$$OS = DA \div 4$$

Where:

OS means Open Soil; and

DA means Development Area

(b) The tree density requirement is calculated using the following formula:

$$TD = DA \times 12$$

Where:

TD means Tree Density; and

DA means Development Area in acres

(c) Procedure for calculating required tree canopy:

- 1) Step One - Calculate development area of property;
- 2) Step Two - Divide development area (in square feet) by four to obtain required open soil area;
- 3) Step Three – Multiply development area (in acres) by 12 to obtain required tree density;
- 4) Step Four - Deduct open soil area for preserved trees from the area calculated in Step Two;
- 5) Step Five – Deduct number of preserved trees from the tree density calculated in Step Three;
- 6) Step Six – Select enough Large Canopy Trees to equal the area calculated in Step Four and to equal the number of trees calculated in Step Five.

For preliminary plats, the tree canopy analysis and tree replacement calculation shall be based upon the overall site and not individual lots.

APPENDIX “B” – PREFERRED SPECIES LIST

**Preferred Species List**

Large Trees with Wide Spread

Native Species

<i>Betula nigra</i> 'Heritage'	River Birch	X
<i>Fagus grandifolia</i>	American Beech	X
<i>Liriodendron tulipifera</i>	Tulip Poplar	X
<i>Platanus occidentalis</i>	Sycamore	X
<i>Quercus falcata</i>	Southern Red Oak	X
<i>Quercus laurifolia</i>	Swamp Laurel Oak	X
<i>Quercus michauxii</i>	Swamp Chestnut Oak	X
<i>Quercus virginiana</i>	Southern Live Oak	X

Large Trees with Medium Spread

Native Species

<i>Acer rubrum</i> 'Autumn Flame'	Red Maple	X
<i>Acer rubrum</i> 'Red Sunset'	Red Maple	X
<i>Carya glabra</i>	Pignut Hickory	X
<i>Celtis laevigata</i>	Sugarberry	X
<i>Cunninghamia lanceolata</i>	Chinafir	
<i>Fraxinus pennsylvanica</i>	Green Ash	X
<i>Nyssa aquatica</i>	Water Tupelo	X
<i>Nyssa sylvatica</i>	Black Gum/Tupelo	X
<i>Quercus phellos</i>	Willow Oak	X
<i>Quercus shumardii</i>	Shumard Oak	X
<i>Ulmus parvifolia</i>	Chinese Elm	
<i>Zelcov serrata</i>	Japanese Zelcova	

Medium Trees with Medium Spread

Native Species

<i>Acer floridanum</i>	Florida Maple	X
<i>Carpinus caroliniana</i>	American Hornbeam	X
<i>Halesia carolina</i>	Carolina Silverbell	X
<i>Ilex opaca</i> 'Fosteri'	Foster Holly	X
<i>Magnolia grandiflora</i>	Southern Magnolia	X
<i>Magnolia x soulangiana</i>	Tulip Tree	
<i>Prunus caroliniana</i>	Carolina Cherrylaurel	X
<i>Quercus acutissima</i>	Sawtooth Oak	X
<i>Quercus lyrata</i>	Overcup Oak	X

Medium Trees with Small Spread

Native Species

<i>Cercis canadensis</i>	Red Bud	X
<i>Ginkgo biloba</i> 'Sentry'	Sentry Ginko	

<i>Gordonia lasianthus</i>	Loblolly Bay	X
<i>Ilex opaca</i>	American Holly	X
<i>Lagerstroemia indica</i>	Crapemyrtle	
<i>Taxodium distichum</i>	Baldcypress	X
<i>Juniperus silicicola</i>	Southern Red Cedar	X
<i>Juniperus virginiana</i>	Eastern Red Cedar	X

Small Trees with Medium Spread

Native Species

<i>Amelanchier arborea</i>	Downy Serviceberry	X
<i>Cornus florida</i>	Dogwood	X
<i>Magnolia virginiana</i>	Sweetbay magnolia	X
<i>Osmanthus americanus</i>	Devilwood	X
<i>Sassafras albidum</i>	Common Sassafras	X
<i>Stewartia malacondendron</i>	Silky Stewartia	
<i>Vitex agnus-castus</i>		

Small Trees with Small Spread

Native Species

<i>Chionanthus virginicus</i>	Fringe Tree	X
<i>Ilex aquifolium x cornuta</i>	Nellie R. Stevens Holly	X
<i>Ilex cassine</i>	Dahoon Holly	X
<i>Ilex vomitoria</i>	Yaupon Holly	X
<i>Osmanthus fragrans</i>	Fragrant Tea Olive	

**Section 626. Conservation Subdivision Overlay District** (#O-2015-10)

626.1 Title; Purpose and Intent; Description of Conservation Area.

This ordinance shall be known as “The Conservation Subdivision Overlay District Ordinance”. The purpose and intent of this ordinance is to provide developers and land owners flexibility in ensuring preservation of conservation areas without compromising the economic value of the development, as well as to minimize the total amount of disturbance on the site. A Conservation Subdivision preserves conservation areas while maintaining the prorated density of residential units for the overall site area. Neutral density is achieved by allowing smaller, individual-owned residential lots in neighborhoods that include or are adjacent to aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation areas prior to delineation and design of transportation, utilities, and residential improvements.

Conservation areas include natural areas protected by law, such as wetlands that meet the definition of the Clean Water Act; shore land areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; individual



existing healthy trees; other significant natural features and scenic viewsheds; existing trails or corridors that connect the tract to neighboring areas; greenspace; and undeveloped common areas.

The intent of the Conservation Subdivision Overlay District Ordinance is to:

- 1) Preserve in perpetuity areas of land for ecological and recreational purposes;
- 2) Encourage more efficient development of land consistent with public health, safety, and general welfare;
- 3) Afford greater flexibility of design and placement of buildings and structures;
- 4) Preserve and protect exceptional terrain, natural beauty, and sites of historic interest from inconsequential placement of homes, roadways, utilities, and appurtenances;
- 5) Preserve shore land areas; water bodies; and riparian buffers;
- 6) Prevent flooding, erosion, and water pollution, and protect the quality and quantity of drinking water;
- 7) Reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for the development;
- 8) Preserve wetlands, aquifers, topographical, or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation; and
- 9) Promote a less sprawling form of development (within the site of development).

#### 626.2 Designation of Overlay District.

There is hereby created the Conservation Subdivision Overlay District, the boundaries of which shall include all of St. Simons Island but shall not include Sea Island or Little St. Simons Island. The Conservation Subdivision Overlay District applies to all properties located within the boundaries of St. Simons Island.

#### 626.3 Applicability.

In order to achieve the purposes described in Section 626.1, a Conservation Subdivision is available as a use by right in residential zoning districts and Planned Development Zoning Districts in the Overlay District. Applicants utilizing the Conservation Subdivision shall comply with all other provisions of the Glynn County Zoning Ordinance, the Glynn County Subdivision Regulations, and all other applicable laws, ordinances, and

regulations, except those that are incompatible with the provisions contained in this Section. Use of a Conservation Subdivision is entirely voluntary.

Subdivisions with no infrastructure improvements are ineligible to be developed as a Conservation Subdivision.

#### 626.4 Use Regulations.

(a) Conservation Subdivisions may be used for the following purposes:

- 1) Single-family detached dwellings;
- 2) Conservation areas as specified herein; and
- 3) Public park or recreation areas owned and operated by a governmental entity or a public or private non-profit agency.

(b) Uses of conservation areas may include the following:

- 1) Conservation of natural, archeological, or historical resources;
- 2) Meadows, woodlands, wetlands, wildlife corridors, or similar conservation-oriented areas;
- 3) Walking or bicycle trails, provided they are constructed of permeable materials;
- 4) Passive recreation areas, such as open fields;
- 5) Community gardens;
- 6) Landscaped stormwater management facilities; and
- 7) Other conservation-oriented uses compatible with the purposes of this ordinance.

(c) Uses of conservation areas shall not include the following:

- 1) Roads, parking lots, and impervious surfaces, except as specifically authorized in this ordinance;
- 2) Agricultural and forestry activities other than personal or community gardens;
- 3) Golf courses; and
- 4) Other activities prohibited pursuant to a recorded legal instrument providing for permanent protection of the conservation area.

626.5 Density and Determination of Allowed Lots.

- (a) The number of lots allowed shall be density neutral. "Density neutral" means that the number of lots in a Conservation Subdivision will not exceed the maximum number of lots that can be reasonably created within a conventional subdivision on the same tract or parcel of land. The maximum number of possible lots shall be based upon the underlying zoning district of the property.
- (b) The number of lots shall be determined by creation of a design plan for a conventional subdivision by the applicant. The plan shall be designed in a manner intended to yield the highest number of lots possible in conformance with the underlying zoning district requirements. It is not necessary for the conventional design plan to meet the formal requirements for a preliminary plat, but must be capable of being constructed given the site features and all applicable regulations. The conventional design plan is required to be reviewed by Glynn County staff prior to submittal of a Conservation Subdivision preliminary plat application to verify that the conventional plan is a viable representation of the development potential as a conventional design.
- (c) For property zoned Planned Development but with an overall density cap, the density shall be the mid-point of the density shown on the latest adopted Future Land Use Map.
- (d) The total amount of site coverage for developed lots and roadways shall not exceed fifty percent (50%) of the gross area of the tract, including the conservation area.

626.6 Lot Size and Setbacks and Sidewalks.

- (a) Unless otherwise specified in this ordinance, lots in a Conservation Subdivision shall conform to the following conditions:
  - 1) Lots of 4,000 square feet:
    - i) Minimum Lot Area: 4,000 square feet
    - ii) Minimum Lot Width: Fifty (50) feet
    - iii) Minimum Front Yard: Fifteen (15) feet
    - iv) Minimum Side Yard: Five (5) feet
    - v) Minimum Rear Yard: Seven (7) feet
    - vi) Maximum Building Height: See underlying zoning district

requirement

- 2) Lots of 6,000 square feet:
  - i) Minimum Lot Area: 6,000 square feet
  - ii) Minimum Lot Width: Sixty (60) feet
  - iii) Minimum Front Yard: Fifteen (15) feet  
For exceptions to the front yard requirement, see Section 606.
  - iv) Minimum Side Yard: Seven (7) feet  
For side yard requirements for corner lots, see Section 604.
  - v) Minimum Rear Yard: Ten (10) feet
  - vi) Maximum Building Height: See underlying zoning district requirement.
- 3) Lots of 9,000 square feet:
  - i) Minimum Lot Area: 9,000 square feet
  - ii) Minimum Lot Width: Seventy (70) feet
  - iii) Minimum Front Yard: Twenty (20) feet  
For exceptions to the front yard requirement, see Section 606.
  - iv) Minimum Side Yard: Seven (7) feet  
For side yard requirements for corner lots, see Section 604.
  - v) Minimum Rear Yard: Ten (10) feet
  - vi) Maximum Building Height: See underlying zoning district requirement.
- 4) Lots of 12,000 square feet:
  - i) Minimum Lot Area: 12,000 square feet
  - ii) Minimum Lot Width: Ninety (90) feet
  - iii) Minimum Front Yard: Twenty (20) feet  
For exceptions to the front yard requirement, see Section 606.
  - iv) Minimum Side Yard: Seven (7) feet  
For side yard requirements for corner lots, see Section 604.

- v) Minimum Rear Yard: Seven (7) feet
- vi) Maximum Building Height: See underlying zoning district requirement

(b) Sidewalks shall be provided on all portions of lots adjacent to an existing or proposed street. Installation shall be completed prior to the issuance of a Certificate of Occupancy for the residence being constructed on the lot.

#### 626.7 Ownership, Preservation, and Maintenance of Conservation Areas.

(a) Conservation areas shall be preserved and maintained solely for the purposes specified in section 626.1. Such preservation and maintenance shall be accomplished by one of the following methods:

- 1) Establishment of a homeowner's association (HOA) to own and maintain the conservation areas in common in accordance with the following provisions:
  - a. Developers will create and submit documentation detailing the minimum requirements and structure for the HOA with their application for a Conservation Subdivision;
  - b. The HOA shall maintain, pay taxes on, and own the conservation areas;
  - c. The HOA will execute a legally enforceable permanent conservation easement as described in section 626.7(b);
  - d. The HOA shall develop a long-term conservation plan for maintenance of common areas.
- 2) Dedication of legally described and platted conservation areas to Glynn County at the complete discretion of, and approval by, the Glynn County Board of Commissioners.
- 3) Dedication of legally described and platted conservation areas to a land trust or similar conservation-oriented non-profit, organization.

(b) Conservation areas shall be protected in perpetuity by a binding legal instrument which shall be a permanent conservation easement, in a form approved by Glynn County, in favor of either:

- 1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
- 2) A governmental entity.

All legal instruments used to permanently protect conservation areas within the Conservation Subdivision shall be executed by the owner and approved by the County Attorney prior to approval of the final plat. Upon approval of the final plat and the legal instruments for permanent protection of the conservation areas, Glynn County will record said documents with the Clerk of the Superior Court. All fees associated with recordation of plats and legal instruments will be furnished by the owner of the Conservation Subdivision or their agent.

#### 626.8 Buffers, Common Areas, Conservation Areas, and Amenities.

- (a) At a minimum, a Type "A" buffer, as described in Section 613.2, shall be required along the exterior property line of the subdivision where the exterior property line abuts any street. This provision shall not be construed to require a buffer along any interior street in the subdivision. Said buffer shall be natural undisturbed native vegetation and the following standards shall apply:
  - 1) The buffer shall be incorporated into one or more remnant parcels apart from buildable lots.
  - 2) The buffer shall remain in its natural state, without encroachment or alterations, except as provided herein.
- (b) The common areas and open spaces for recreation shall have direct access via frontage on a right-of-way or easement.
- (c) Maintenance of buffers, common areas, and open spaces intended for conservation shall be limited to the removal of litter, dead tree materials, and dead and invasive plant materials. Maintenance of common areas and open spaces preserved for archaeology shall be limited to the removal of litter, dead tree materials, and dead and invasive plant materials, until professional excavations commence.
- (d) The CSOD shall incorporate trees into community open space, street right-of-way and other landscaping areas. All existing trees should be preserved to the greatest extent practical.
- (e) Clearing and grading of native vegetation on the development site shall be limited to the minimum amount needed to build lots, to provide for streets and to provide clearance for public safety equipment. Streets, utilities and drainage easements generally perpendicular to the buffer shall be permitted.
- (f) No wetland may be filled in, relocated, or otherwise changed or modified without first obtaining the express, written approval of the appropriate federal, state, and local governmental agency. However, the Planning Commission shall retain the discretion to approve or deny the filling, relocating, or modification of a wetland,

despite approval from such governmental agency, when such proposed action is included in an application for a Conservation Subdivision.

#### 626.9 Design Process.

Developers shall utilize a four-step process in developing a preliminary plat for a Conservation Subdivision as follows:

- 1) Step 1 - Delineation of Conservation Areas. Conservation Areas shall be designated and used as the base map for the development.
- 2) Step 2 – Location of home sites. Potential home sites shall be tentatively located using the proposed conservation areas as a base map. Homes sites shall conform to all setback and buffer requirements.
- 3) Alignment of Streets and Sidewalks. Upon designating home sites, a street and sidewalk plan shall be designed to provide vehicular and pedestrian access to each home. Streets and roads shall comply with the standards of the Glynn County Zoning Ordinance and the Glynn County Subdivision Regulations.
- 4) Drawing in the Lot Lines. Upon completion of the proceeding steps, lot lines are drawn as required to delineate the boundaries of individual lots. Lot lines are drawn as the last step.

#### 626.10 Application Procedure and Approval Process.

(a) Submission and approval of a Conservation Subdivision shall follow the process and procedures set out in Article VII of the Glynn County Subdivision Regulations, as amended, with the following additional information required:

- 1) Conventional subdivision design plan;
- 2) Site analysis including an inventory and mapping of existing resources, including at least the following mapped at a scale of no less than one inch to one hundred feet (1"=100'):
  - a. Topographic contours at 2-foot intervals (LIDAR is acceptable);
  - b. Conservation areas, hydrologic characteristics, including surface water bodies, groundwater recharge areas, wetlands, natural swales and drainage ways;
  - c. Land cover on the site, according to general cover type (open areas, woodland, etc.), and any stand-alone trees 12 inches in diameter or larger;
  - d. Known critical habitat areas for rare, threatened or endangered species;
  - e. Unique geological resources;
  - f. Cultural resources with a brief description of historic character of the site, buildings and structures, historically important landscapes, and archeological features and resources;

- g. Open space and common areas, indicating which areas are to remain undeveloped and pedestrian pathway locations; and
  - h. Boundaries of areas to be developed, proposed street and lot layout, and preliminary development envelopes.
- 3) Proposed methods for ownership, protection, and maintenance of all conservation areas, buffers, common area, open space, and amenities.
- (b) Approval of the preliminary plat shall bind all land depicted on the plat to the requirements and conditions of the Conservation Subdivision Overlay District. Should the developer or land owner subsequently sell or otherwise transfer their interest in the property, all heirs and assigns shall be bound to the approved concept/preliminary plan, unless amended by and/or approved by the Island Planning Commission.