



INTEROFFICE MEMO

City of St. Marys Planning Department

TO: 100 Ready Street Steering Committee

FROM: Roger A. Weaver, Planning Director

DATE: November 1, 2010

RE: Report on Existing Conditions

At the first meeting of the steering committee, it was requested that the Planning Department prepare a report of existing conditions of the property.

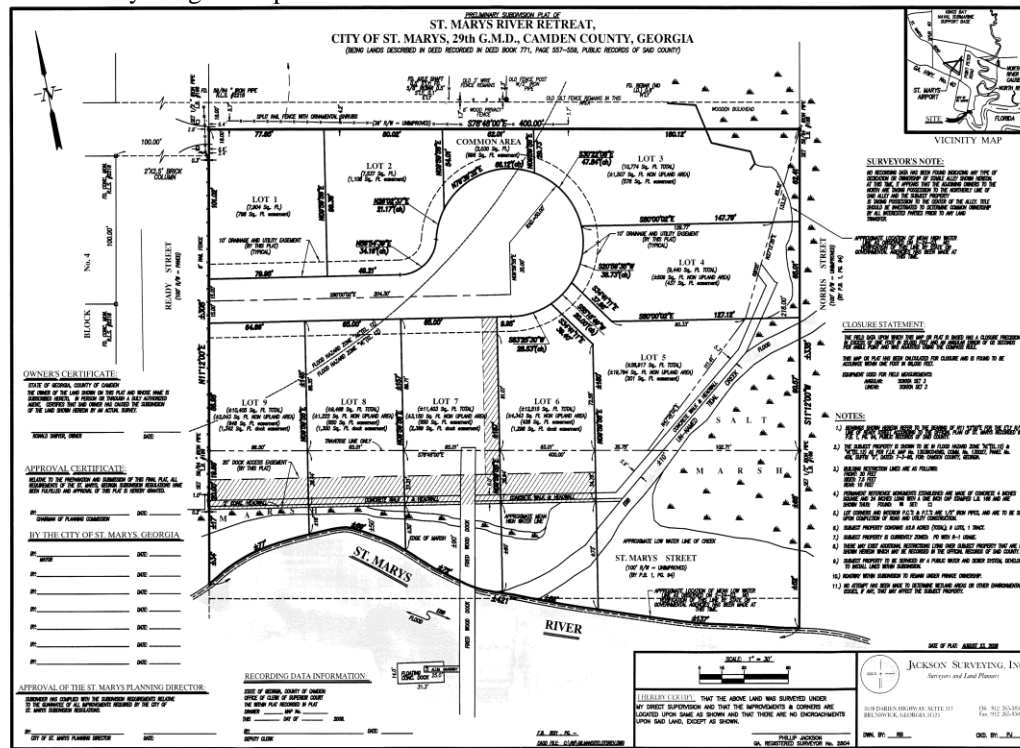
A. ZONING

There are only three zones that can be utilized on this site based on City ordinances. One zone is existing and two are others are possible.

1. The existing zoning is PD-R/1. This zoning classification was approved by City Council. It is the R-1 zone with revisions to setbacks, coverage, etc. The revisions to the R-1 zone that created the PD-R-1 zone are as follows:

Height – 35 feet
No zero lot lines
Rear yard setback – 15 feet
Side yard setback 15 feet

The final plat as recorded for St. Marys River Retreat is as shown below, PD-R/1, with 9 lots, a street and cul-de-sac. All approved/requested distances etc. are a part of this plat. Note the easement to the existing docks is off set from the docks themselves. There is also a partial easement along the river. Mr. Sawyer stated at the time of presentation that the 9 lot community would be 'gated', which would deny access to the river by the general public.



- R-1 is single family zoning. The standards for materials and construction is superseded in material type and visual requirements by the Historic Preservation ordinance which is discussed in more detail later.

Appendix B has the full text of the R-1 Zoning District. In brief, the district is primarily for single family homes and accessory structures. Maximum height is 35 feet above the base flood elevation. Minimum lot size is 10,000 sf, with setbacks of 25 feet front yard, 15, feet side and rear yards. Lot coverage is 30%

- The site can also be rezoned by the City from R-1 or PD-R-1 to C-1. This is permitted since the 100 Ready Street property is physically attached to an existing C-1 zone across Ready Street

In general, the C-1 zone permits Downtown businesses similar to that already existing, and permits existing single family to remain, plus permits floors above the main floor commercial to be used for residential purposes. The C-1 zone has zero feet front, side and rear setbacks, and 45 feet maximum height above the base flood elevation. Parking requirements are as per the ordinance, however, and the area required for parking and storm water mitigation needs to be addressed as part of the site plan. Maximum coverage is 100%. A buffer is required between any commercial zone and any residential zone.

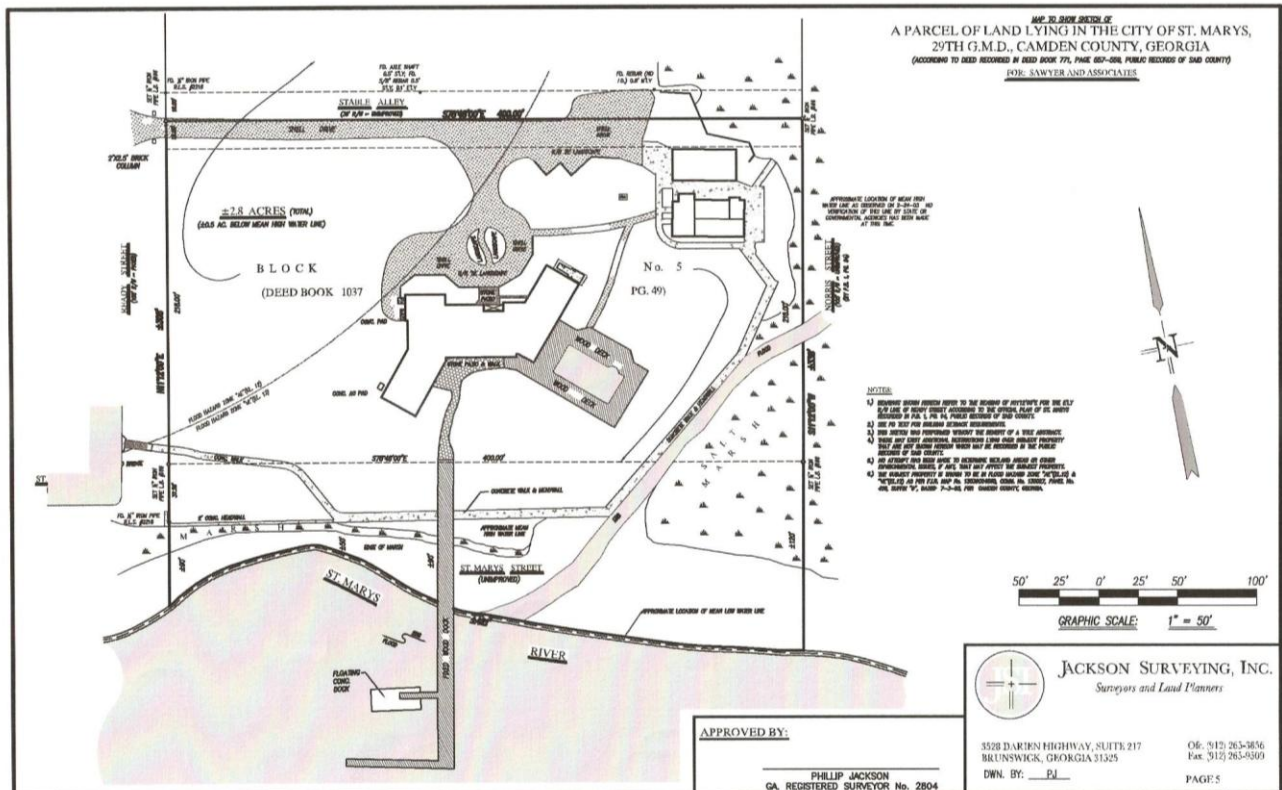
Excerpts from the C-1 ordinance are attached as APPENDIX A.

The use of the parcel for any other zoning, such as R-2, R-3, R-4, R-5, C-2, C-3, I-1, I-G, or I-A is not permitted as this would constitute spot zoning.

The use of the parcel as a PD (other than the current PD-R-1 is not permitted in that the 'new' subdivision ordinance only permits a parcel to be eligible for PD status if it is greater than 5 acres. The current site contains only 2.8 acres and would not be eligible for PD status. (NOTE: The site was approved for PD-R-1 status at the time of approval by Council as it was permitted under City ordinance at that time.)

B. SURVEY

A recent survey of the property is shown below. This survey will be used for early planning on the project.



C. SUBDIVISION

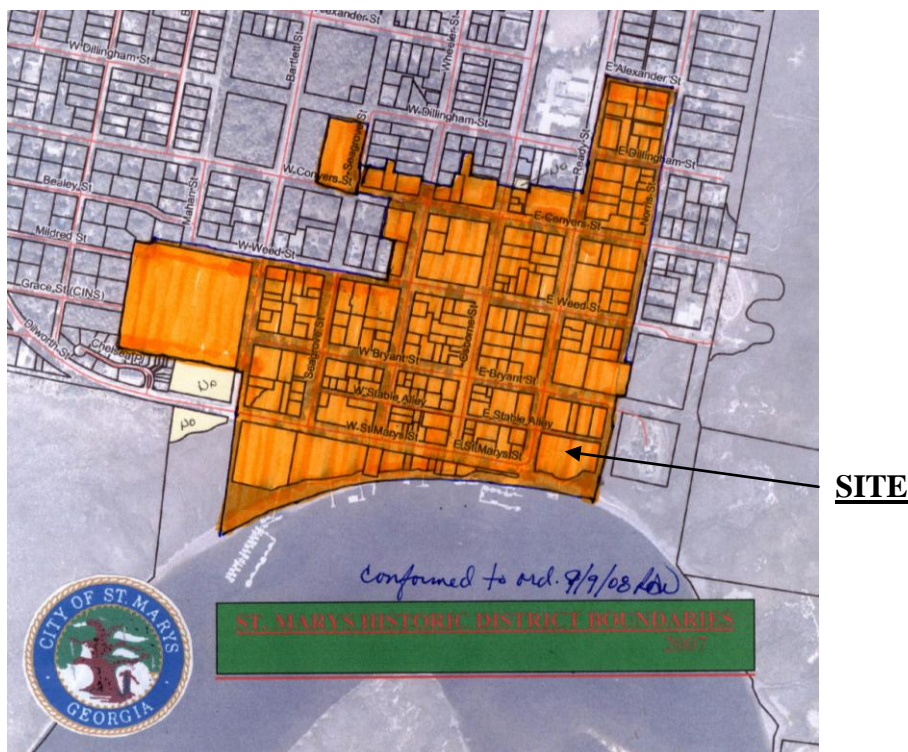
The original parcel was one lot, without subdivision. Mr. Sawyer requested a 9 lot + a common area and roads subdivision. This request was approved by City Council.

Therefore the current site has already been subdivided. In order for the project to be reformulated in a manner consistent with the Steering Committee's and Council's goals (as determined by the Steering Committee process) the current subdivision must be voided and a new subdivision put in place. This process should only commence when Council has a precise idea of how the site and the function will be determined. At the very least, there may be a two parcel subdivision, with the waterfront area one parcel, and the remaining area the second parcel. Process for the subdivision will be as per ordinance, with approx. 2 months necessary for the approval to be reviewed and processed after application. These dates are statutory and cannot be compressed.

- Submit complete subdivision application - 32 days in advance of planning Commission meeting
- Planning Commission approval at 4th Tuesday of the month.
- Council approval at 3rd Monday of the Month (new schedule).
- Recording at Courthouse – one week after Council approval

D. HISTORIC DISTRICT

The parcel is in the historic district and all proposed structures will be required to be reviewed and approved by the HPC at a regular monthly meeting.



The HPC is responsible for all exterior features of any new building or changes to any existing building. The standards that the HPC uses are generally part of the C-1 Design Standards as approved by City Council (see later discussion). The design should be consistent with coastal design features and with other structures along the waterfront. In general, flat roofs, contemporary (post-modern, etc.) design, dark materials are not appropriate. The HPC will assist the Steering Committee in determining the appropriate design standards

Since the HPC has already designated the structures as non-historic, any possible demolition would be immediate after review of the proposed plans for the project (as approved by the Steering Committee and City Council). A complete set of Architectural Plans, including materials selection, will be required for their review and approval. City Council is not involved with the approval, and only becomes involved where there is a denial of the permit by the HPC.

Normally, HPC approval takes approx. two months:

- Submit complete A/E drawings and materials with application – 32 days in advance of HPC meeting
- HPC approval at 3rd Tuesday of the month.
- Demolition permit could be issued the following day(s).

Note that the HPC encourages the project to be discussed with them as soon as possible, even though drawings are not complete. This will enable the project to progress smoothly without any major roadblocks.

E. DESIGN STANDARDS

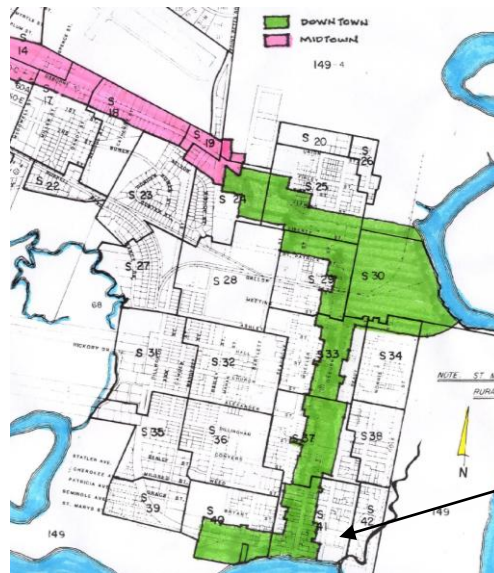
City Council has approved the use of design standards for the C-1 District, and for the area served by the DDA. In general, the design standards conform to the HPC standards.

Planning Commission's Power to Adopt Design Guidelines: The Planning Commission shall have the flexibility to adopt design guidelines for any zone without amendment to this ordinance.

These standards are reproduced herein as 'APPENDIX C'.

F. DDA

As part of the DDA downtown district, there are a number of programs available for any potential applicant developer.



These programs are project specific and can only be determined after the Steering Committee reaches consensus as to the possible use of the site. DDA will assist in this process at that time.

G. MAIN STREET COMMUNITY

As part of the DDA Downtown District, St. Marys has been designated as a Main Street Community, with design services made available through partnerships with The Department of Community Affairs, Georgia Trust for Historic Preservation, and the University of Georgia School of Environmental Design.

Technical assistance may include:

- Facade rehabilitation drawings and specifications
- Paint colors and signage recommendations
- Review and assistance in drafting of landscape, parking, and sign ordinances
- Schematic streetscape design
- In-town and historic neighborhood in-fill design assistance
- Corridor management and traffic planning assistance
- Landscape horticultural assistance for public and community buildings
- Park, recreation, and trail system planning and design

H. LAND DISTURBANCE

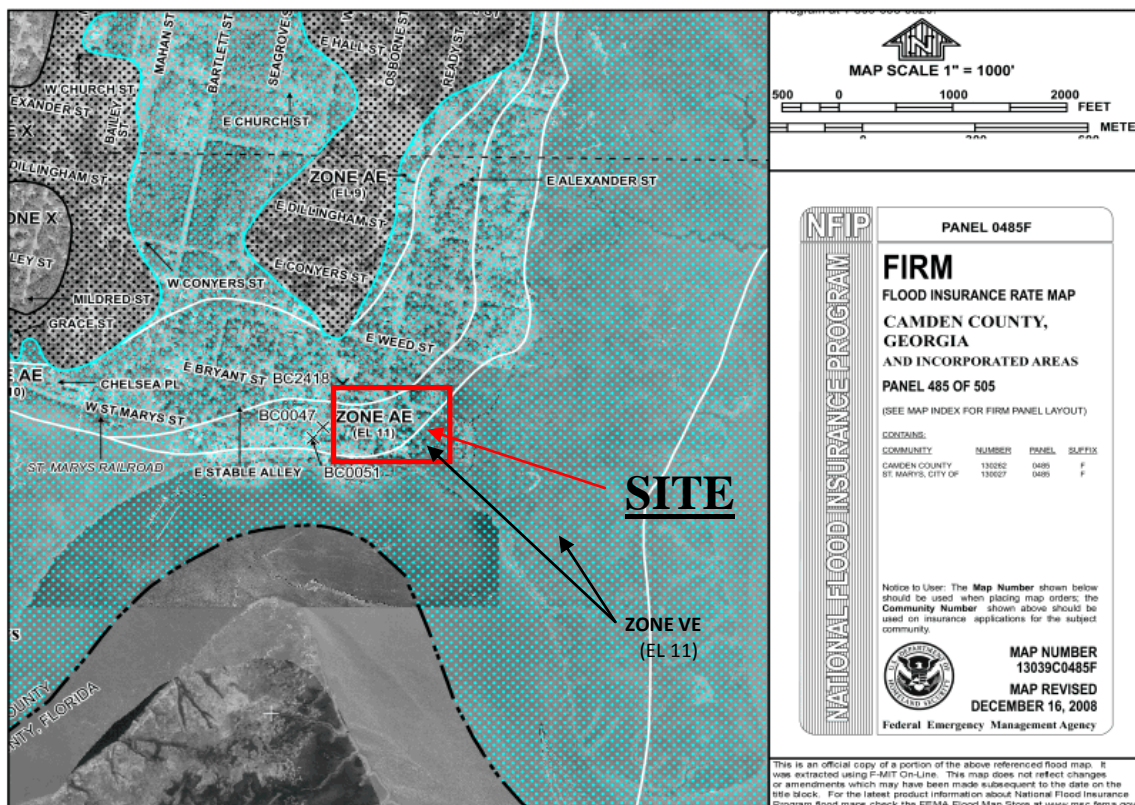
Every parcel over 1.0 acre of disturbed area, and/or within 200 feet of the Mean High Tide mark of the St. Marys River and its tributaries, must submit to NEPDS and to the Satilla River Conservation District a plan as to how the applicant intends to control storm water runoff and sediment collection. These standards are statewide, but the Coast has a CSS supplement that governs these issues.

All persons doing site development shall have a license (blue card, red card, or – for design – brown card). A completed set of site development drawings will be required for this process to commence through the State and Local agencies. This work is accomplished by the ‘developer’s’ engineering consultant as reviewed by the City/State.

- Three copies to NPEDS for their review and transmittal on to Satilla River – approx, three weeks after completion of the application (\$40 per acre review fee).
- When Satilla River signs off on the application, the COSM must review the application and issue as separate Land disturbance permit (\$40 per acre review fee).

I. FEMA FLOOD ISSUES

The Site is half in Zone AE (EL 11) and half in Zone VE (EL 11). On this site, the VE designation will govern. This requires the bottom of the structural members of any occupied portion of the structure be constructed 12” above Elevation 11. The top of the site at present is in the center of the existing house. This elevation is approximately 10.5 feet. Depending on location of any proposed new structures and the thickness of the structural members, the elevation of the lowest floor will need to be approximately elevation 13.5 feet. Elevation at the head wall is approx. 7.5 feet with the elevation at the ‘rear’ property line of approx. 6.5 feet. These elevations can remain as long as any structured and occupied floor elevation is at 13.5 feet. There can be no below flood elevation occupied area. The only enclosed areas permitted below the occupied floor are fire stair enclosures or elevator shaft enclosures with proper flood proofing. Parking can be under the occupied floor, but this would mean that the floor of the parking area would be below grade, creating an area that would fill with water regularly as it would have an elevation of approx. 5.5 feet which would fill with flood water and mud. (Note that the foot of Ready Street, which floods regularly during high tide events is at 5.6’.)



J. DNR

There is a currently valid dock permit for the existing dock and for 16 slips. This permit has been transferred to the City, and is up for renewal in February, 2011. The renewal would be for five (5) years. There is very little that the Steering Committee can do to alter the design criteria to the dock and slips, since they must be constructed exactly as per the submitted and approved plans. However, the existing floating dock needs the rollers repaired, and rotted timber replaced at an unknown cost. Handrails may be required for safety on the fixed dock area,

The existing concrete Bulkhead as presently constructed is permitted to remain and should be maintained in as good a condition as possible, in order to retain the permit for this bulkhead.

K. ADA ISSUES

Since the building is to be totally accessible to the general public, all ADA issues should be satisfied, without exception for any possible scope of any future project. With the exception of the slope of the ramps that connect a fixed dock to a floating dock that is subject to tidal influences, the dock, esplanade, and any structures located on the site shall be fully ADA accessible.

L. MILITARY ZONE (ECONOMIC)

100 Ready Street is located in the St. Marys Military Zone. Any proposed use (commercial) locating in a Military Zone and creating two (2) jobs can maximize job tax credits to Georgia's highest benefits. To claim these credits, the business must be located within the State Designated Zone which is all of Census Tract 106.

Military Zone Benefits:

- Job Creation - minimum of two (2) jobs (not limited to a business enterprise).
- Tax Credit - \$3,500 per job may be claimed up to five (5) years as long as the jobs are maintained.
- Claimed against 100% of the Georgia Income Tax Liability for businesses; excess claimed against withholding taxes.

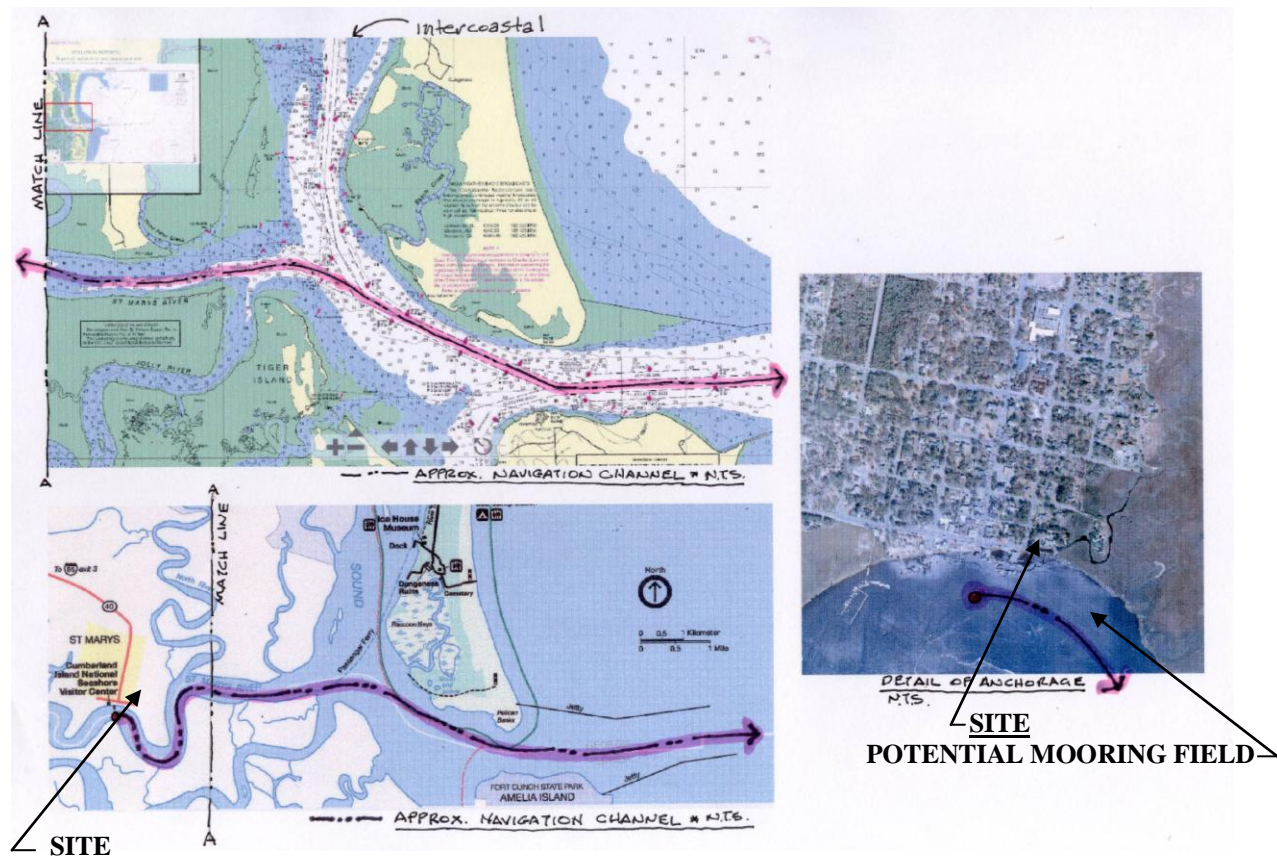
St. Marys Downtown Development Authority Boundary Map



SITE

M. ACCESS TO OCEAN

The Site has excellent and direct access to the ocean.



N. MOORING FIELD

A potential mooring field location has been identified by Staff for possible use by boaters. The State of GA has no guidelines for this type of function, but there is definite interest by the permanent and transient boating public for this use. The mooring field location is as noted above.

O. CONDITION OF EXISTING STRUCTURES:

The existing Gilman Boat House has been issued a demolition permit by the HPC and the Building Department for the house, garage, pool and other outbuildings. The demolition work was started, but was suspended when a possible buyer for the house appeared. Apparently this deal fell through, and the demolition was never restarted. I do not know the current condition of the house, but prior to the start of demolition, the roof had numerous leaks, the wood floor had heaved, and plaster was falling in various areas. The pool was a foul mess, and the garage/carport was in the process of falling down.

APPENDIX D contains a condition report memo for use in review of the buildings.

P. TREE ORDINANCE

This site is governed by three ordinances relating to trees: The HPC Ordinance, the Tree Ordinance and the Subdivision ordinance. Appropriate excerpts of the ordinances are part of APPENDIX E.

The HPC Ordinance, as administered by the Historic Preservation Commission, governs the disposition of any tree located within the Historic District greater than 10" in diameter (31.4" circumference) measured at 24" above grade that is healthy, and/or able to be put into good health. Trees that are in obvious poor health are the realm of the Tree Board. Dead and dangerous trees are within the jurisdiction of the Planning Director and/or the Public Works Director to determine their disposition. The HPC requires that any tree removed be replaced with a live oak tree in a location acceptable to the HPC, the property owner, and the Tree Board.

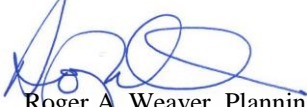
The Tree Ordinance, as administered by the Tree Board, governs all trees on public property (this site) greater than 10" in diameter (31.4" circumference) measured at 24" above grade. Poor health trees are the responsibility of the Tree Board. Dead and dangerous trees are within the jurisdiction of the Planning Director and/or the Public Works

Director to determine their disposition. The Tree Board requires that any tree removed be replaced with a live oak tree in a location acceptable to the HPC, the property owner, and the Tree Board.

The Subdivision ordinance governs the quantity of new trees required for parking areas and to replace any existing trees removed as part of a new construction project.

It should be noted that trees in the R-1 zone are not regulated by the tree board, but ARE regulated by the HPC. Trees in the C-1 zone if that is selected are regulated by the HPC, the Tree Board, and/or the Subdivision Ordinance as applicable.

Respectfully Submitted,



Roger A. Weaver, Planning Director
City of St. Marys

APPENDIX A – ZONING FOR C-1 COMMERCIAL DISTRICT

Sec. 110-69. - C-1, Central Business District.

District intent. The C-1, Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other; to allow certain appropriate residential uses; to encourage the eventual elimination of uses inappropriate to the central business area, and to encourage the cohesive development of a town center for the City of St. Marys.

(a) Uses permitted.

- (1) Generally recognized retail business which supply commodities on the premises and without outdoor storage of goods, such as but not limited to groceries, drugs, clothing, notions or hardware.
- (2) Personal service establishments which perform services on the premises such as but not limited to repair shops (radios, television, shoes, upholstery, etc.), beauty parlors or barber shops, and dry cleaners.
- (3) Business establishments which perform services on the premises, such as but not limited to banks, loan companies, insurance offices and real estate offices.
- (4) Professional services including the following: medical offices, dentists, legal and similar or allied professions.
- (5) Public offices such as post offices, city administration, museums and similar governmental offices.
- (6) Private clubs, fraternal organizations and lodge halls.
- (7) Public and private schools and religious institutions.
- (8) Waterfront facilities pertaining to normal fishing, shrimping, and boating activities.
- (9) Restaurants, grills, delicatessens, and similar eating establishments, but not including "drive-in" types.
- (10) Hotels and boardinghouses.
- (11) Accessory uses and structures.
- (12) Single-family dwellings (must meet area regulations and dwelling standards for single-family dwelling in C-1 District).
- (13) Multifamily dwellings (must be in conjunction with a permitted commercial use(s) utilizing the first occupied floor for commercial use and meet commercial dwelling standards for the C-1 District).

(b) Special permit uses. The following uses may be permitted in accordance with the provisions contained in section 110-145, and if additional conditions which may be required are met.

- (1) Laundromats.
- (2) Theaters.
- (3) Parking lots (private and public) not including those areas required by article IV, off-street parking and loading.
- (4) Public utility installations and buildings including water towers, electric transformer stations, and water and sewage pumping stations, provided that: no open storage is permitted at the site; the area is fenced in by a wall or fence at least six feet in height; and landscaped strip not less than five feet in width is planted and maintained.

(c) Area regulations:

- (1) *Commercial uses.* Unless otherwise specified in this chapter, commercial uses permitted in the C-1, Central Business District shall conform to the following requirements:
 - a. Minimum lot area: 3,000 square feet.
 - b. Minimum lot width: 30 feet.
 - c. Minimum front yard setback: None, however, pedestrian walkways shall be accessible.
 - d. Minimum side yard: None, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be five feet.

- e. Minimum rear yard: None, unless the parcel is adjacent to a residential district in which case the minimum rear yard shall be 15 feet.
 - f. Maximum percentage of lot coverage: 100 percent.
 - g. Maximum building height: 45 feet.
 - h. Off-street parking and loading requirements as provided in article IV, except where the planning commission waives such requirements or portion thereof, where it finds that they are unnecessary, excessive, or impractical, given the size of the lot.
- (2) Single-family detached dwelling uses. Unless otherwise specified in this chapter, single-family detached dwellings permitted in the C-1, Central Business District shall conform to the following requirements:
- a. Minimum lot area: 6000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum front and rear yard set back: 10 feet.
 - d. Minimum side yard set back: 5 feet for single story: 7.5 feet for multi-story or 5 feet if multi-story and sprinkled for fire suppression.
 - e. Maximum percentage of lot coverage, remaining lot area after meeting required set backs and parking requirements.
 - f. Maximum building height: 45 feet.
 - g. Minimum of two off-street parking spaces required per residence. No parking spaces permitted in front yard set back area.
 - h. Only one driveway per residence. If an alley exists behind the lot, ingress and egress to the residential structure must be accessed from the alley and no curb cut will be permitted along the main roadway.
 - i. A minimum roof pitch of 5 x 12 is required.
 - j. Structures built within the Historic District must comply with the historic preservation ordinance.
 - k. Single-family detached dwelling standards. All single-family dwellings, whether site built or modular houses, must meet the following standards in the C-1 District:
 - 1. The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.
 - 2. The exterior wall materials may include clapboards, simulated clapboards such as concrete composite siding, wood shingles, shakes, stucco, tabby, brick, brick veneer, concrete block or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.
 - 3. The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.
 - 4. The minimum heated and cooled floor area shall be 900 square feet.
 - 5. All principal structures shall be placed on a permanent foundation.
 - 6. No "manufactured housing" or "mobile homes" as those terms are defined in subsection 110-8(b), shall be permitted in this district.
 - 7. All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes.
 - 8. Any structures built within the Historic District must meet the requirements of the historic preservation ordinance.

- (3) Commercial dwelling standards. Dwelling units are permitted on the second floor or above in buildings utilizing the first occupied floor for permitted C-1 commercial uses. Such buildings may house one or more dwelling units, for rent or sale, provided that no such unit shall be less than 450 square feet of heated and cooled area exclusive of any hallways and stairs designed for access to the unit(s).

(Ord. of 9-12-94, § 608; Ord. of 11-10-03, §§ 1, 4; Ord. of 8-14-06, § 1; Ord of 11-13-06(2), §§ 2—6)

APPENDIX B – ZONING FOR R-1 COMMERCIAL DISTRICT

Sec. 110-62. - R-1, Single-family Residential District.

District intent. This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

- (a) Uses permitted. Property and buildings in an R-1, Single-family Residential District shall be used for the following purposes:*
 - (1) Single-family residences (must meet the requirements in subsection (d) below);*
 - (2) Parks or playgrounds;*
 - (3) Country clubs, golf courses;*
 - (4) General purpose or gardening, but not the keeping of livestock or nondomestic animals;*
 - (5) Accessory buildings and structures;*
 - (6) Home business offices.*
- (b) Special permit uses. The following uses may be permitted in accordance with provisions contained in section 110-145, and if additional conditions which may be required are met.*
 - (1) Public and private schools;*
 - (2) Public buildings and utilities;*
 - (3) Churches;*
 - (4) Day care centers or kindergartens;*
 - (5) General purpose farm or garden that includes the keeping of livestock or nondomestic animals;*
 - (6) Home occupations provided that the conditions set forth in section 110-97 are met.*
- (c) Area regulations. Unless otherwise specified in this chapter, uses permitted in R-1, Single-family Residential Districts shall conform to the following requirements:*
 - (1) Minimum lot area: 10,000 square feet;*
 - (2) Minimum lot width at building line: 75 feet*
 - (3) Minimum front yard setback from street: 25 feet*
 - (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 15 feet;*
 - (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;*
 - (6) Maximum percentage of lot coverage: 30 percent;*
 - (7) Maximum building height: 35 feet.*
- (d) Single-family residential standards. All single-family residences, whether site built or modular houses, must meet the following standards in the R-1 District:*
 - (1) The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.*
 - (2) The exterior wall materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.*
 - (3) The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.*
 - (4) The minimum heated and cooled floor area shall be 900 square feet.*
 - (5) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the city building code.*
 - (6) No "manufactured housing" or "mobile homes", as those terms are defined in section 110-8(b), shall be permitted in this district.*
 - (7) All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes. (Ord. of 9-12-94, § 601; Ord. of 1-31-05, § 2)*

APPENDIX C – DESIGN GUIDELINES FOR C-1 COMMERCIAL DISTRICT

SEE FOLLOWING DOCUMENT!!

APPENDIX D – REPORT ON EXISTING CONDITIONS OF STRUCTURES



INTEROFFICE MEMO

City of St. Marys Planning and Building Department

TO: Bill Shanahan, City Manager
FROM: Roger A. Weaver, Planning and Building Director
DATE: August 4, 2010
RE: Use of Gilman Boat House for temporary uses

I have completed a cursory review of the Boat House for possible temporary use and have the following observations:

1. The house is still under a valid demolition permit. Demolition did commence to an unknown level. This has complicated the review of the house, since there may be missing components/systems that cannot be easily ascertained in a cost effective manner.
2. The house is infested with mold throughout all areas. Based on the cost to remediate the mold at the SMPD and at Orange Hall, this could cost in excess of \$15,000.
3. The seal on the large plate glass windows have broken, which has caused the cloudiness. In order to see out, these windows should be replaced. They cannot be cleaned. I do not know the cost, but for a building heading for demolition, the cost will never be recouped.
4. Under the Jute carpet in the main room is a badly damaged wood parquet floor. For any occupancy use, the jute must be taken up, and the wood floor taken up as well. I could not ascertain the condition of the concrete below the wood, but I would probably need some sort of sealer.
5. The electrical system needs to be analyzed by a master electrician to determine if the power can be turned on. There is uncertainty as to whether there are missing breakers, cut or damaged circuits, and the viability of. There are wires sticking out of the floor in a dangerous manner. These need secured at an unknown cost.
6. The existing HVAC units contain R-22 gas. As of January 1, 2010, it is illegal to import, produce, or sell R-22 for use in new equipment or pre-charged in new equipment. In 2015, the production and importing of HCFC-22 will be limited to 10% of each country's 1989 consumption level and in 2020, production and importing of HCFC-22 will be illegal. Re-use of recovered HCFC-22 to service existing equipment will be allowed indefinitely. There are replacement gases for the R-22, but these can be costly. There may be salvage value to these units with replacement gas, but the cost to upgrade them in place may not be feasible.
7. The doors that enter the building swing in, and need to swing out.
8. The plumbing system needs to be pressure analyzed by a licensed plumber to determine if there was any freeze damage.
9. There will be no ADA access to the facility due to its current use as a residence. Converting this to a public meeting area even for a temporary facility will require ADA toilets.
10. The Crawl space is open to the exterior, and the presence of rodents/snakes/bugs cannot be discounted.
11. Although the roof appears to be weathertight, the time I was in prior to the auction showed major water marks on many of the ceilings in the house. I am confident in assuming that the bank did a 'band-aid' fix to the leaks and installed a coat of new paint in the stained areas. I believe that leaks will start to appear over the next 12 months, and – if the facility is being used – then repairs may be necessary at an unknown point in the future.

Respectfully Submitted,

Roger A. Weaver, Planning and Building Director
City of St. Marys

APPENDIX E – EXCERPTS RELATING TO TREES

FROM THE HPC ORDINANCE

[Sec. 62-113.](#) - Changes to exterior environmental features on historic properties and in historic districts.

(a) After the designation by ordinance of a historic district or historic property no changes in exterior environmental features shall occur unless an application for a certificate of appropriateness has been submitted by or for the owner to the commission and approved by the commission. Decisions of the historic preservation commission shall not override or supersede the requirements of the official zoning ordinances of the City of St. Marys without utilizing the procedures outlined in the zoning Ordinance No. 110. All property directly abutting the project under consideration shall be notified in writing as to the presence of an application for consideration by the HPC. Notification shall be only to abutting property owners that share a property line, and shall not cross any street or right-of-way or major watercourse or feature.

(b) Two basic types of activities shall constitute change to exterior environmental features:

(1) The removal or alteration of exterior environmental features which affect a property historically/aesthetically. These features shall include: Trees ten inches in diameter measured at a point 24 inches above the ground, the topography of a property, paving materials, fencing, lighting fixtures and outbuildings.

(2) The addition of exterior environmental features which will affect the historic/aesthetic qualities of a property. These features shall include: Driveways, walkways, parking lots, fences, outbuildings, lighting fixtures and permanent yard signs.

(c) Disposition of all trees in the historic district shall be determined by either the HPC or the City of St. Marys Tree Board in compliance with this section. Within the historic district, where a tree is dead, diseased or in otherwise poor health, the tree board will have sole jurisdiction as to its removal. Within the historic district, where a tree is healthy and requested to be removed by either the city or a property owner, the historic preservation commission shall have sole jurisdiction as to its removal. However, the HPC requires that for all live oak trees determined to be removed for any reason, one new live oak of minimum diameter of 2.5 inches shall be planted on the site. Replacement of other species of trees shall be replaced as per the requirements of the tree board.

(d) If a dead or damaged tree poses an immediate and/or imminent physical threat to the safety of the community, or danger to citizens, historic property or other property as evidenced by appropriate documentation by either a tree removal specialist, the building director or planning director, the planning director may authorize its removal without going before the historic preservation commission, with notification to the HPC, the tree board and the city manager. The city manager will notify council of this action. Documentation shall be in writing with appropriate data as necessary to state the reasons for the immediate removal of the tree(s).

(e) If the tree board is eliminated by direct action of council, all jurisdiction of trees shall be transferred to the HPC. In the event of any conflict with the tree board ordinances, the HPC ordinance shall govern.

FROM THE SUBDIVISION ORDINANCE

[Sec. 86-6.](#) - Tree protection plan.

(a) *Protected trees.* On single and subdivided commercial lots, the building and parking area must be identified and all remaining trees on single or subdivided lots shall be protected in a tree protection zone as outlined in this section.

(b) *Protective measures.* In the tree protection zone, protective measures shall be applied to the above ground portion of a tree and to roots within the critical root zone, as follows:

(1) *Damage prohibited.* No person shall:

- a. Cut, carve, transplant or otherwise damage or remove any tree;
- b. Attach any rope, wire, nails, advertising posters or other contrivance to any trees;
- c. Allow any gaseous, liquid or solid substance which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with them; or
- d. Set a fire or permit any fire to burn when such fire or the heat of the fire will injure any portion of any tree.

(2) *Fence required.* During excavation, filling, construction or demolition operations, each tree or stand of trees shall be protected against damage to bark, roots and low-hanging branches with a fence enclosing the critical root zone (four feet high, two-inch by four-inch posts; with double one-inch by four-inch rails, plastic construction area fencing, or 12-gauge two-inch by four-inch wire mesh). "Tree save area" signs shall be posted on all sides of the fenced area. 'Critical root zone' shall be defined as the drip edge of the tree.

(3) *Compaction prohibited.* All buildings materials, vehicles, construction equipment, dirt, debris or other objects likely to cause soil compaction or above ground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable and is approved by the building official, the critical root zone shall first be mulched with a four-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw.

(4) *Grade changes prohibited.* There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system approved by the building official. The depositing of sediment in the critical root zone shall be prevented by placement of Type C sediment barriers, which shall be backed by two-inch by four-inch wire mesh in areas of steep slope.

(5) *Ditches, trenches prohibited.* No person shall excavate any ditch, tunnel or trench within the critical root zone. Where such encroachment is unavoidable and is approved by the building official, tunneling rather than trenching shall be used. If roots must be cut, root pruning procedures approved by the building official must be employed.

(6) *Paving prohibited.* No person shall pave with concrete, asphalt or other impervious material within the critical root zone.

(c) *Plan required; contents.* A proposal for development or improvement of any tract of commercial land shall include a tree protection plan, including trees to be planted in order to repopulate the landscape due to removing trees or due to the lot not having any trees. Such plan shall be submitted to the building official prior to any grading, bulldozing or other removal of the existing vegetation. The plan shall show the following:

- (1) Names and addresses of the owner of record and the applicant.
- (2) Boundary lines of the tract by lengths and bearings, streets adjoining the property, total area of the tract, north point, graphic scale and date.
- (3) All existing specimen trees, including those to be removed, and all other trees ten inches in diameter at a breast height (DBH), measured at 4.5 feet from the ground, or greater which will remain on the site and shall be protected during construction. The owner of the property shall indicate the common and botanical names and the size of each tree. In heavily wooded areas that will not be disturbed, the site plan may show only the boundaries of each stand of trees and a list of the number, size and species of ten inches DBH or larger trees in each stand.
- (4) Locations of all existing and proposed new buildings, structures and paved areas, whether to be removed or to remain.

(5) Locations of all existing and proposed new utility lines. New utility lines must be placed along corridors between critical root zones of trees which will remain on the site.

(6) Limits of land disturbance, clearing, grading and trenching.

(7) Limits of tree protection areas, showing trees to be maintained specifying species and size.

(8) Grade changes or other work adjacent to a tree which would affect it adversely, with drawings or descriptions as to how the grade, drainage and aeration will be maintained around the tree.

(9) Planting schedule and site plan showing where and what type vegetation will be planted on cleared land upon completion of construction project. A minimum of one, two-inch or larger DBH tree every ten feet between the commercial building and any roadway must be planted.

(d) No tree shall be planted closer to a building foundation or water, sewer, electrical or natural gas line than as follows:

(1) For a mature small tree, five feet.

(2) For a mature medium tree, ten feet.

(3) For a mature large tree, 15 feet.

(e) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

(1) Landscape islands shall be provided within parking areas of six or more spaces, but shall not be required within vehicle storage or display areas. Initial designs should take into account any existing trees whenever possible. Refer to chapter 110 article IV [of the St. Marys Code of Ordinances] for additional parking requirements.

a. The total area of all islands shall comprise at least five percent of parking lot area in commercial zoning districts or three percent of parking lot area in industrial zoning district; plus one percent of other vehicle use area on the property (such as loading, storage or display areas).

b. Each island shall contain a minimum of 50 square feet. It shall be so shaped that a five-foot diameter circle will fit within the island. No portion of an island less than three feet in width may be counted in the area.

c. Landscape islands shall be located in such a manner as to divide and break up the expanse of paving.

d. Vehicles may overhang the landscape island to a depth of 24 inches provided the island is at least 3.5 feet in depth per each abutting head to head parking space, at least 7.0 feet in depth overall for abutting head to head parking space, and protected by wheel stops or curbing. Two feet of the landscaped area may count as part of the required depth of each abutting head-in parking space. (Condition A of Figure 1). For spaces at the perimeter of the lot, and not abutting head-in parking, the vehicle may overhang the landscape island to a depth of 24 inches with no minimum island dimension. (Condition B of Figure 1).

(2) Distribution of trees shall be as follows:

a. At least one tree, as recommended in the St. Marys Trees and Shrub Ordinance section 102-48, shall be planted in each required landscape island, and at least one tree, as recommended in the St. Marys Trees and Shrub Ordinance section 102-48, shall be planted for every 30 linear feet of length in each required planting strip.

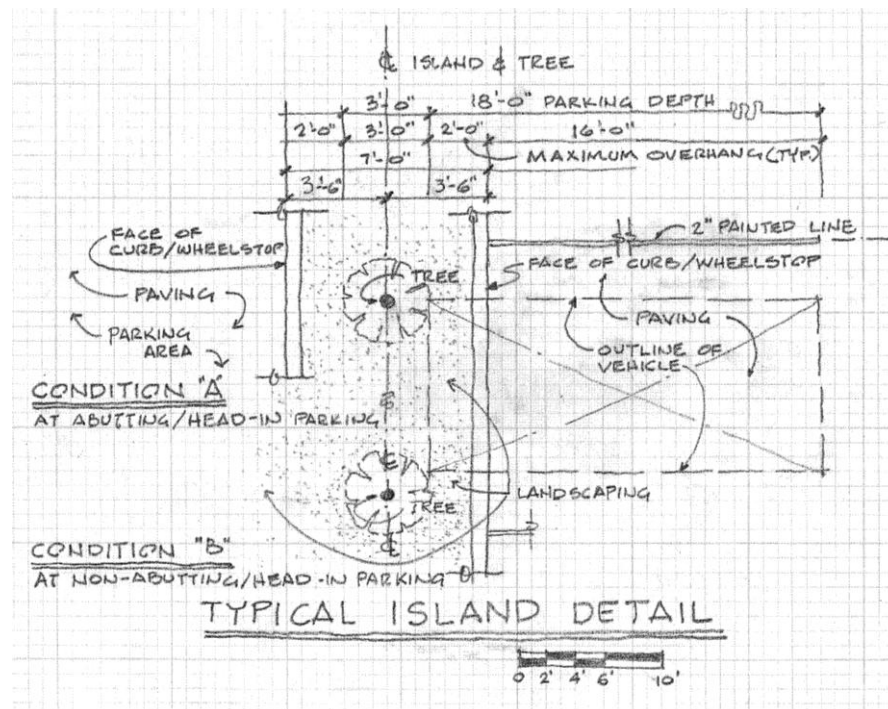


FIGURE 1 – LANDSCAPE ISLAND DETAIL

(3) Criteria for replacement trees shall be as follows:

- a. Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site.
- b. The species must be ecologically compatible with the specifically intended growing site.
- c. The trees must have the potential for size and quality comparable to those removed.
- d. Preference shall be given to specimens of no more than three inches DBH.
- e. Authority for questions of tree characteristics shall be City of St. Marys Ordinance sections 102-46 through 102-50; publications of the state forestry commission; publications of the cooperative extension service of the University of Georgia College of Agriculture; or other authority acceptable to the city.

(4) For specimen and nonspecimen trees, emphasis shall be given to the preservation of specimen trees, even isolated individual specimen trees, over retention of other nonspecimen trees. Nonspecimen trees, however, should be saved in stands rather than as individual trees scattered over a site.

(5) The property owner shall maintain trees on the property in accordance with this article and the approved plan, including replacing trees which die or are irreparably damaged.

THERE ARE OTHER MINOR REFERENCES TO TREES IN OTHER ORDINANCES, BUT THE ABOVE ARE THE MOST IMPORTANT!!