

# **City of Moultrie**

**Colquitt County**

**Not located in a MSA.**

**2003 Population Estimate 14,500; +0.8% change from 2000 Census.**

**Tree City USA for 17 years.**

**Tree Committee with 11 members; no meeting frequency required by ordinance.**

## **Chapter 106 ZONING**

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**Year first adopted or last revised unknown.**

**Addresses public and private property.**

**Includes buffer requirements.**

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## Chapter 106 ZONING\*

**\*Charter references:** Power regarding planning and zoning, § 1.14(24); urban redevelopment, § 1.14(41); zoning, § 8.10 et seq.

**Cross references:** Location requirements for adult entertainment establishments, § 14-106; environment, ch. 34; utilities, ch. 74; buildings and building regulations, ch. 86.

**State law references:** The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.

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## ARTICLE II. GENERAL REGULATIONS

### **Sec. 106-41. Accessory uses or structures.**

- (a) Accessory uses or structures shall be permitted only in rear yards, except as otherwise provided in this chapter.
- (b) An accessory use or structure shall be set back not less than five feet from any lot line.
- (c) No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is an accessory.

(Code 1979, § 8-4-21)

### **Sec. 106-42. Vision clearance at intersection.**

In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and 15 feet, except utility poles, light or street sign standards or tree trunks shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

(Code 1979, § 8-4-22)

### **Sec. 106-43. Approvals for business and industrial developments on state highways.**

For all business and industrial developments fronting on a state highway, no building permit shall be issued until the approval of the state department of transportation has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the department.

(Code 1979, § 8-4-23)

### **Sec. 106-44. City approvals required; zoning fees.**

All city approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted by him with his request for a building permit, an occupancy permit, a zoning amendment, a special exception or a variance. Except as otherwise required by state law, no local action shall be taken and no public hearings shall be held until the above required approvals have been obtained by the applicants. A copy of the schedule of zoning fees shall be maintained in the office of the community development department.

(Code 1979, § 8-4-24)

### **Sec. 106-45. Minimum floor area requirements.**

To promote the public health, safety, morals or general welfare, all residential structures

shall have a minimum area of 1,250 square feet, except that there shall be a minimum area of 1,500 square feet in the R-75 zoning district and a minimum of 1,750 square feet in the R-100 zoning district.

(Ord. No. 1-95, § 8-4-25, 2-6-95)

#### **Sec. 106-46. Trees.**

In all new development or construction no trees with a diameter of six inches or over, measured 4 1 / 2 feet above the ground level, shall be taken down, damaged or destroyed without prior written approval of the community development director. Limits of root damage shall be taken into consideration prior to such approval. Tree save areas shall be shown on all new development and/or building site plans. In addition, when required by the community development director, a landscape plan shall be submitted prior to approval of the development plan. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so. This section shall not apply to individual residential owner-occupied parcels of land.

(Code 1979, § 8-4-26; Ord. No. 08-97, § II, 5-5-97; Ord. No. 19-98, 12-7-98)

#### **Sec. 106-47. Required buffers between dissimilar districts.**

(a) Required buffer areas shall provide necessary visual privacy for the conduct of residential lifestyles in an undisturbed environment and shall provide protection to preserve property values in residential districts.

(b) A buffer shall be required, as follows:

(1) All property zoned for use as commercial, neighborhood shopping, office, office business parks or industrial shall have a buffer strip along all rear and side property lines abutting a residential zoning district; provided, however, no buffer strip shall be required if the residential zoning district is designated as other than a residential district on the city's land use plan; further provided, that if no buffer is required the community development director may require fencing and/or vegetative screening within the setback in order to provide a visual screen for adjoining property owners.

(2) All property zoned for use as RMD, RM-6, RM-8 and RM-10 shall have a buffer strip along all rear and side property lines abutting a zoned single-family residential zoning district; provided, however, no buffer strip shall be required if the single-family residential zoning district is designated as other than a single-family residential district on the city's land use plan; further provided, that if no buffer is required the community development director may require fencing and/or vegetative screening within the setback in order to provide a visual screen for adjoining property owners.

(c) All buffers shall be natural, undisturbed areas, provided, however, if the buffer area is substantially devoid of existing trees or shrubbery, the buffer shall consist of a landscaped, open space area and screening, as required by this section. All landscaped, open space areas and screening shall be established in accordance with the following requirements:

(1) The required buffer shall be located on the periphery of the subject lot or tract. The buffer area shall not be located on any portion of an existing or dedicated public or private right-of-way. The buffer may be incorporated into the setback requirements as specified in the appropriate zoning district.

- (2) An undisturbed buffer shall be at least 30 feet wide.
  - (3) Screening shall be of such materials and such density to screen activities and uses on the lot from view. Screening shall be of such height to screen the view from a first story window on an abutting lot and shall extend the entire length of the landscaped open space area in the buffer.
  - (4) Screening shall provide year-round visual screening from the ground to a height of at least eight feet. An opaque wall or fence, at least eight feet in height may be required at the discretion of the city council or community development director, in addition to or in lieu of a natural buffer.
  - (5) Screening required by this section shall be approved by the community development director and shall consist of walls, fences, earthen berms, shrubs, or trees. Plantings utilized to meet the screening requirements shall be equivalent to a staggered double row of Virginia Pines planted throughout the buffer and spaced on eight-foot centers.
  - (6) Screening that contains trees and shrubs shall provide that such plants be installed not only to provide visual screening but also to allow for proper plant growth and maintenance.
  - (7) Buffers must be completely installed, in accordance with approved plans, prior to issuance of the certificate of occupancy.
  - (8) No parking and/or loading or any structure, except a wall or fence, shall be allowed in any area designed by the city council or community development director as a buffer area.
  - (9) Whenever possible, existing tree cover and natural vegetation shall not be disturbed except to supplement plantings, install additional approved screening devices, or to provide required access for utility crossings, or necessary drainage improvements. When a buffer area is substantially devoid of existing trees or shrubbery, grading may be allowed within the buffer area prior to planting or addition of other required materials. Should access be required for utility easement or drainage, the community development director may allow an exception to this requirement.
  - (10) All existing, healthy deciduous and hardwood trees which measure six or more inches in diameter at a point 4 1 / 2 feet above the natural grade shall be retained, if possible. If it is impossible to retain such trees, the trees shall be replaced with the same or a similar type of tree in accordance with subsection (c) (11) of this section.
  - (11) All planted trees shall either be of a species which will reach at least 20 feet in height at maturity or a flowering tree which will reach at least eight feet in height at maturity and be a type which thrives in this region. A nonflowering tree, when planted, shall be at least eight feet in height.
- (d) The community development director may require additional screening outside or inside buffer areas, to obscure objectional features such as dumpsters, rear entrances, utility and maintenance structures, loading facilities, and other objectionable features.
- (e) The screening requirements of this section may be waived or modified, as appropriate, by the community development director, if and only if any one or more of these criteria apply:
- (1) It is clearly demonstrated to the community development director that existing topography and/or vegetation achieve the purpose and intent of this section.

(2) It is clearly demonstrated to the community development director that because of existing topography, a fence, wall and/or other screening device will not screen activities conducted at ground level from view as required in subsection (c)(3) of this section.

(3) Required screening would obscure sight distances necessary for safe ingress and egress from subject properties.

(f) All required buffers shall be designated on the appropriate permit application(s) and shown as a permanent buffer on the required site plan or final subdivision plat, as appropriate.

(g) Prior to issuance of a certificate of occupancy for a structure, the developer or record title holder shall guaranty to the city to replace any required landscaping materials which die within one year after approval or acceptance thereof by the city, and shall warrant all work in the buffer area for a period of one year after approval or acceptance thereof by the city, whichever is later. The community development director may at his option require that a bond or other suitable security be posted to assure compliance with this provision.

(h) The required buffer shall be maintained by the record title holder at the time of development, for so long as he holds title, and thereafter by any subsequent record title holders.

(Code 1979, § 8-4-27; Ord. No. 4-96, § 8-4-27, 2-5-96; Ord. No. 08-97, § II, 5-5-97)

Secs. 106-48--106-75. Reserved.

## Chapter 114 VEGETATION\*

**\*Cross references:** Buildings and building regulations, ch. 22; environment, ch. 46; planning, ch. 86; streets, sidewalks and other public places, ch. 98; zoning, ch. 122.

Article I. In General

Secs. 114-1–114-25. Reserved.

Article II. Trees

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## ARTICLE II. TREES

### Sec. 114-26. Declaration of intent of article.

It is hereby declared that trees on publicly and privately owned areas within the city are both an economic and aesthetic asset to the city. The fostering of positive public attitudes toward the value of trees and green space to the community warrants directed public education efforts. It is further declared that existing trees are in need of protection and qualified maintenance, and that measures to promote the planting of additional trees should be undertaken.

(Code 1967, § 26 1/2-1; Ord. No. 565, § 1, 3-7-1989)

### Sec. 114-27. Tree committee.

(a) *Created; membership.* There is hereby created the tree committee. The committee shall consist of 11 members and shall include a member of the city council, the city manager, the city building code official and the Main Street director. The other members shall be appointed by city council, and it is recommended that they include a member of the Moultrie-Colquitt County Planning Commission, a member of the local state conservancy chapter, a representative of the Chamber of Commerce, a member of the board of realtors, and a member of the Moultrie Federated Garden Council. In making appointments, the council shall seek to appoint individuals with expertise in landscape design, horticulture and related areas of knowledge.

(b) *Terms; reappointment.* The terms of the members of the tree committee shall be for one year. Members may be reappointed at the discretion of the city council.

(c) *Compensation.* The members shall serve without compensation.

(d) *Cooperation with city departments.* The committee shall cooperate with and coordinate activities with all departments of the city, and all departments of the city shall cooperate with the committee.

(e) *Election of chairman.* Each year the committee shall elect a chairman who shall be a voting member of the committee.

(f) *Calling of meetings.* A meeting may be called by an elected chairman or two committee members.

(g) *Quorum.* One-half of the committee members in addition to the chairman shall constitute a quorum.

(Code 1967, § 26 1/2-2; Ord. No. 565, §§ 2--8, 3-7-1989; Ord. No. 628, § 1, 8-4-1992; Ord. No. 692, § 1, 2-7-1995)

**Cross references:** Boards, commissions and committees, § 2-266 et seq.

### Sec. 114-28. Cutting, trimming or removing trees; application required; actions by tree committee.

Except as otherwise provided, no person shall cut, remove, trim, or in any way damage any tree on any property owned by the city or shall create any condition injurious to any such

tree without having first made a written application so to do to the committee and having obtained advance written permission from the committee. The committee shall take action on the application within ten days of its receipt. The form of application shall be established from time to time by the committee, and the committee may delegate to one or more of its members or officers the power to grant such permission in accordance with standards set by it. The committee may, in its discretion, hold public hearings on any application and may approve all or any part of an application upon such terms and conditions as the committee may fix. In considering any application before it, the committee shall base its decision on whether the public and private benefit that will result from granting the application outweighs the public and private benefit that will result from denying it.

(Code 1967, § 26 1/2-9; Ord. No. 565, § 9, 3-7-1989)

#### **Sec. 114-29. City departments granted emergency powers re cutting, trimming or removing trees.**

Departments of the city are granted emergency powers with respect to cutting, trimming, or removing trees in order to restore the delivery of city services following service interruptions caused by inclement weather.

(Code 1967, § 26 1/2-10; Ord. No. 565, § 10, 3-7-1989)

#### **Sec. 114-30. Exemptions from section 114-28.**

The city, Georgia Power Company, Storer Cable Television, GTE, Colquitt EMC, and their agents are exempt from the provisions of section 114-28 above or other emergency situations with respect to the maintenance of utility right-of-way. However, these agencies shall be required to follow procedures and tree maintenance techniques established by the committee.

(Code 1967, § 26 1/2-11; Ord. No. 565, § 11, 3-7-1989)

#### **Sec. 114-31. Landscape plan review process for certain new construction projects.**

(a) The committee shall establish a landscape plan review process for new construction projects in areas of the city zoned for multifamily residential, townhouse, condominium, commercial and industrial uses. Landscape plans, at a minimum, shall include:

- (1) The reservation of seven percent of the site for green space, including a ten-foot planted strip across a portion of the frontage of the site.
  - a. The seven percent of the site reserved for green space must be located from the front building line forward to the street.
  - b. On corner lots, a ten percent reservation for green space.
  - c. In meeting the above requirements, city right-of-way may be used, with permission of the city, for grassed areas only.
- (2) Location, size and type of existing trees on a development site.
- (3) Trees proposed for removal.
- (4) Areas of the site to be covered with asphalt or concrete.

- (5) The location of sources of water within 100 feet of green areas.
- (6) A schedule of maintenance of the landscaped areas to ensure the livability of the plantings.
- (7) A shade quality tree each 25 to 40 running feet of green area as determined by the committee, depending on the type of tree planted.
- (8) Location, size, and types of trees, shrubs, and ground cover to be planted on the site.

(b) The required plantings of trees may be delayed until the next planting season if construction is undertaken out of season provided there is a written commitment to plant at the next planting season and to replace plantings that do not survive for one year after planting.

(Code 1967, § 26 1/2-12; Ord. No. 565, § 12, 3-7-1989; Ord. No. 671, § 1, 8-2-1994)

#### **Sec. 114-32. Certain building expansions to comply with section 114-31.**

Building expansions involving the construction of 50 percent additional floor space or more shall require compliance with the provisions of section 114-31 above.

(Code 1967, § 26 1/2-13; Ord. No. 565, § 13, 3-7-1989)

#### **Sec. 114-33. Granting of waivers.**

The committee may grant waivers from any or all of the above provisions or may establish guidelines for the granting of waivers by its designee. Waivers shall not be granted except in cases of extreme hardship, especially on major thoroughfares.

(Code 1967, § 26 1/2-14; Ord. No. 565, § 14, 3-7-1989)

#### **Sec. 114-34. Review and approval of landscape plans prior to building permit issuance.**

Building permits shall not be issued until landscape plans have been reviewed and approved by the committee or its designee.

(Code 1967, § 26 1/2-15; Ord. No. 565, § 15, 3-7-1989)

#### **Sec. 114-35. Replacement trees.**

The committee shall direct replacement with suitable trees in suitable locations on property of the city in those situations where trees have been removed.

(Code 1967, § 26 1/2-16; Ord. No. 565, § 16, 3-7-1989)

#### **Sec. 114-36. Acceptance of donations.**

The committee is empowered to accept donations from individuals, groups, civic associations and governmental organizations to further the purpose in section 114-35.

(Code 1967, § 26 1/2-17; Ord. No. 565, § 17, 3-7-1989)

**Sec. 114-37. Removal of dead or diseased trees on private property; notice to property owners; hearing.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree committee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. Owners will be afforded a hearing before the committee prior to removal, if the owners so desire.

(Code 1967, § 26 1/2-18; Ord. No. 565, § 18, 3-7-1989)

**Sec. 114-38. Violations.**

Violation of the provisions of this article shall be punishable in accordance with section 1-9 of this Code.

(Code 1967, § 26 1/2-19; Ord. No. 565, § 19, 3-7-1989)