

MAYOR  
Joe Piper

CITY CLERK  
Sandra Bennett



CITY COUNCIL  
Betty Lyle  
Tammy Crawley  
Dwight McCormic  
Hattie Thrasher  
Gary Venable

**June 23, 2021**

**RE: Veto of Ordinance O-21-06**

The City Clerk presented me with the official copy of Ordinance O-21-06 at 12:00pm on Monday June 21, 2021. Pursuant to Section 2.08(b) of the Charter of the City of Statham, I am utilizing the Mayor's authority and vetoing Ordinance O-21-06 for the following reasons:

1. The current Land Use Management Code sufficiently addresses the keeping of livestock, and I believe the current rules balance the interests of property owners wishing to own and keep livestock against those of their neighbors. The current livestock limitations should be enforced for all residents equally.
2. The proposed Ordinance was pushed through without proper research, and only considered a few Residents who were cited for violations of the existing LUMC rules. Passing an Ordinance to appease a small number of residents that a large number of Residents have to live with is not the proper way to deal with an issue. If the Council wants to allow livestock in residential areas, it can and should be done through a Conditional Use Application, explaining the need, on a case-by-case basis, i.e., family with special health requirements. This will also allow neighbors with objections to have a voice in the process.
3. This Ordinance allows the keeping of livestock on lots that are too small in Residential Neighborhoods. Livestock are not appropriate in residential areas of such density. Additionally, by their very nature, animals are not quiet and give off noxious odors. Allowing livestock in such densely populated areas will lead to an increase of noise and nuisance complaints.
4. Coyotes and foxes have been seen and reported killing Citizen's domestic pets almost weekly. These animals are attracted to the residential areas by chickens. If the presence of livestock in residential areas increases, occurrences like these will happen more frequently.
5. The safety and well-being of our Neighborhoods and the Residents of this City is my priority, and I believe this Ordinance is not in the best interests of the Neighborhoods or Residents of the City.

In accordance with Section 2.08(b), this Ordinance will be reconsidered at the next voting session of the City Council, which is currently scheduled for 7:00pm on July 20, 2021.

Respectfully,

Mayor Piper

CITY OF STATHAM  
STATE OF GEORGIA

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF STATHAM, GEORGIA, ADOPTED JUNE 30, 2020, ARTICLE 3, "SPECIFIC USE REGULATIONS," TO AMEND SECTION 3-014, "BACKYARD CHICKENS IN RESIDENTIAL ZONING DISTRICT" TO REDUCE THE MINIMUM LOT SIZE REQUIRED AND CHANGE THE MAXIMUM NUMBER OF CHICKENS PERMITTED; TO AMEND ARTICLE 2, DIVISION III "USE DEFINITIONS" TO PROVIDE FOR ADDITIONAL DEFINED TERMS; TO ADD A NEW SECTION 3-3-048 "LIVESTOCK AND ANIMAL QUARTERS"; TO AMEND AND RENUMBER EXISTING SECTIONS 3-048 THROUGH 3-076; TO AMEND TABLE 2-1; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, The Stham Unified Development Code provides for limitations and rules regarding the keeping and housing of livestock within the City of Stham; and

WHEREAS, The Stham Unified Development Code does not presently allow for the keeping of chickens or livestock within certain residential zoning districts; and

WHEREAS, The City of Stham desires to amend the text of the Unified Development Code to allow for the keeping of livestock and chickens subject to the rules and restrictions set forth herein; and

WHEREAS, Notice of public hearing was published in a newspaper of general circulation within the City of Stham as required by the zoning procedures law and the Stham unified development code for text amendments; and

WHEREAS, The City Council conducted a public hearing on this matter;

Now, therefore, IT IS ORDAINED by the City Council of the City of Stham that the Stham Unified Development Code, adopted June 30, 2020, is hereby amended in the following respects:

**Section 1.**

Article 3, "Specific Use Regulations," Section 3-014, "Backyard Chickens in residential zoning district," paragraphs (a) and (c) is amended to read as follows:

"Sec. 3-014. Backyard Chickens in residential zoning district.

- (a) **Minimum Lot Size.** The minimum lot size for backyard chickens shall be one quarter acre (10890 sq. ft.).

.....



(c) **Maximum Number.** The number of hens on any residential lot shall be limited to 6 on parcels that are less than one half acre (21,780 sq. ft.) and to 12 on parcels one half acre or more.”

### **Section 2.**

Article 3, “Specific Use Regulations,” Sections 3-048 through 3-076 are hereby renumbered to 3-049 through 3-077 respectively.

### **Section 3.**

The following definitions are added to Article 2, Division III “Use Definitions.”

Adequate food: Palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage.

Adequate water: Clean, fresh, potable water offered at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian.

Adequate temperature control: Indoor housing facilities are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45F degrees or rise above 85F degrees, for animals that are not acclimated.

Adequate ventilation: Indoor housing facilities are adequately ventilated to provide for the health of the animals at all times. All facilities housing animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means.

Sanitation: The maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.

### **Section 4.**

Article 3, “Specific Use Regulations” is hereby amended by inserting the following as a new Section 3-048:

“Section 3-048, “Livestock and Animal Quarters,”

#### **(a) General Adequacy Provisions for Animal Care.**

- (1) It is the intent of this Section to allow for the keeping of livestock and/or poultry as

an accessory to residential use must not be conducted on such scale as to constitute commercial farming, which is only appropriate in agricultural districts and so as to not be a nuisance to neighboring property owners.

- (2) All animals under the care of humans, whether they be livestock, poultry, or other type, shall be provided with adequate water, food, and sanitation, as defined.
- (3) Animal quarters for any livestock or poultry shall be provided with adequate ventilation and adequate temperature control.

**(b) Use and Application Requirements.**

- (1) The keeping of livestock in agriculturally and residentially zoned districts (RR, MH, HR, SR-1. And SR-2) are conditionally uses subject to the limitation set forth in this Section. Any deviation from the limitations set forth in this Section shall only be allowed by Variance procedures set forth in Article 14 of this Code.
- (2) Prior to placement of any livestock, the property owners or occupants must obtain a special use permit from the City. Any and all applicants for a special use permit for the keeping of livestock must specify the proposed number of animals as well as a site or plot plan of the property showing the location and dimensions of fenced land area and the animal quarters in relation to property lines, demonstrating compliance with the requirements housing and land area requirements of this section.
- (3) The keeping of livestock under this section shall be subject to the following housing and land area requirements.

<b>Animal</b>	<b>Minimum Enclosed Housing Area Per Animal (sq. ft.)</b>	<b>Minimum Fenced Land Area for Exercise/Pasture Per Animal</b>
Livestock: Horse or other Equine	100 square feet	2 acres
Livestock: Cow	100 square feet	1 acre
Livestock: Goat	50 square feet	0.25 acre
Livestock: Sheep	50 square feet	0.25 acre
Livestock: Pig or other Swine	Not Permitted	Not Permitted
Livestock: Rabbits	4 square feet	12 square feet

Through the Variance permitting process, the total number of livestock and/or poultry (or combination thereof) may be further limited if appropriate given the specific locations and site

conditions. Under no circumstances may the minimum number sizes stated above be increased by variance or otherwise.

- (4) Multiple animals are permitted on a given lot, but no acre of land or portion thereof shall be counted toward meeting the land area requirements for more than one type of livestock. No enclosed animal housing area or portion thereof shall be counted toward meeting the animal housing area for more than one type of livestock.
  - (5) For purposes of calculating the number of animals permitted on a parcel of land subject to these restrictions, said animal shall not count unless/until the animal has been weaned from its mother.
- (c) **Setbacks for Animal Quarters and Pasture.** No animal quarters for livestock shall be located closer than 35 feet to any property line. Larger setbacks may be required during the Variance application review process, if appropriate given specific locations and site conditions.
- (d) **Prohibition on Free Roaming.** Every person owning or keeping livestock is required to keep such livestock under fence and to not allow such livestock to run on any property other than their own or outside the fenced portion of the property.

#### **Section 5.**

Table 2-1, "Permitted and Conditional Uses by Zoning District, Section "Agricultural Uses" line "Animal quarters (for livestock)" is hereby amended to provide that such uses are conditional uses (indicated by the letter "C" in the table) in properties zoned RR, MH, HR, SR-1 and SR-2.

#### **Section 6.**

Table 2-1, "Permitted and Conditional Uses by Zoning District, Section "Agricultural Uses" line "Backyard chickens" is hereby amended to provide that such uses are conditional uses (indicated by the letter "P" in the table) in properties zoned RR, MH, HR, SR-1 and SR-2.

#### **Section 7.**

All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

#### **Section 8.**

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

#### **Section 9.**

The effective date of this ordinance shall be upon its adoption by the Statham City Council.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney



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**REGULAR MEETING**

**JUNE 15, 2021**

**7:00 P.M.**

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## **CALL TO ORDER**

At 7:02 p.m., Mayor Piper called the meeting to order.

Present: Mayor Piper and Councilmembers Lyle, Thrasher, Venable, McCormic, and Crawley.

Also present: City Clerk, Sandra Bennett; City Accountant, April Plank Stephens; Police Chief, Ira Underwood; and via Zoom City Attorney, Jody Campbell.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Piper. The Mayor thanked all veterans, servicemembers and their families for their service.

## **CITIZEN INPUT:**

Chris Sullivan with The Statham Lions Club thanked the City for its support of the 2021 Statham Spring Festival. They were very pleased with the turnout, and look forward to more festivals in the future.

## **VOTING ITEMS**

1. **FY22 Budget:** To approve the FY 2021-2022 Budget for the City of Statham, and for the Mayor to sign Budget Resolution (R-21-03).

Councilmember McCormic made a motion to pass version 3 of the draft budget with the recommendation of moving \$40,000 from Police Department Vehicles to Sidewalks (Broad to Hammond). The motion failed due to the lack of a second.

Councilmember Venable made a motion to pass version 3 of the draft budget with any additional revenue to go towards Sidewalks with a budget amendment. The motion failed due to the lack of a second.

No other motions were made to approve the FY22 Budget.

2. **V-21-05 Variance:** Armentrout Matheny Thurmond, PC, by Michael Thurmond, applicant, Sapphire Properties, LP, property owner, seeks a variance to the Statham Unified Development Code, to waive or modify requirements of Article 4, "Overlay Districts," Division I, "Water Supply Watersheds," Section 4-109, "Regulations for Small Water Supply Watersheds," to waive or reduce the 150 foot impervious surface setback from streams for 49.6 acres fronting on the south side of Jefferson Street (Map/Parcels ST04/048, ST04/049, ST04/050, ST04/051 and ST04/114). Existing zoning is Suburban Residential -2 (SR-2) and Rural Residential (RR). Proposed use: Detached single-family subdivision.

3. **V-21-06 Variance:** Armentrout Matheny Thurmond, PC, by Michael Thurmond, applicant, Sapphire Properties, LP, property owner, seeks a variance to the Statham Unified Development Code, to waive or modify requirements of Article 4, “Overlay Districts,” Division I, “Water Supply Watersheds,” Section 4-109, “Regulations for Small Water Supply Watersheds,” to waive or reduce the 100 foot buffers along sides of streams for 49.6 acres fronting on the south side of Jefferson Street (Map/Parcels ST04/048, ST04/049, ST04/050, ST04/051 and ST04/114). Existing zoning is Suburban Residential-2 (SR-2) and Rural Residential (RR). Proposed use: Detached single-family subdivision.

Councilmember Venable made a motion to approve V-21-05 and V-21-06. Councilmember Crawley seconded the motion, and the motion passed unanimously.

4. **R-21-03 Annexation and Zoning:** Georgia REI Exchange, LLC, applicant and property owner, seeks annexation of and Multi-Family Residential (MFR) district zoning for 5.42 acres south of Atlanta Highway (Map/Parcel XX116 024) (1699 Atlanta Highway). Existing zoning in the unincorporated Barrow County is R-4. Proposed use: duplexes.
5. **R-21-04 Annexation and Zoning:** Georgia REI Exchange, LLC, applicant and property owner, seeks annexation of and Multi-Family Residential (MFR) district zoning for 1.032 acre fronting on the south side of Atlanta Highway (Map/Parcel XX116 021A). Existing zoning in unincorporated Barrow County is C-3, Commercial. Proposed use: duplexes.
6. **R-21-05 Rezone:** Georgia REI Exchange, LLC, applicant and property owner, seeks to rezone 0.53 acres south of Atlanta Highway (Map/Parcel ST01 004) (1693 Atlanta Highway) from SR-1, Suburban Residential 1 to MF, Multi-Family. Existing zoning: Suburban Residential 1 (SR-1). Proposed use: duplexes.

Councilmember Crawley made a motion to approve R-21-03, R-21-04 and R-21-05. Councilmember McCormic seconded the motion, and the motion passed unanimously.

7. **Resolution R-21-02, Comprehensive Plan Amendment:** A Resolution amending the Joint Comprehensive Plan for Barrow County and the Cities of Bethlehem, Carl, Statham and Winder, 2018 Update, as it pertains to the City of Statham, as amended, to revise the City’s Future Land Use Plan Map 2040; and to delete the Urban Residential Future Land Use category.

Councilmember McCormic made a motion to approve R-21-02. Councilmember Thrasher seconded the motion, and the motion passed unanimously.

8. **O-21-06 UDC Text Amendment Ordinance, Livestock in Residential Areas:** Second reading. To amend the Unified Development Code of the City of Statham adopted June 30, 2020, Article 3 “Specific Use Regulations”; amend Section 3-104 “Backyard Chickens in Residential Zoning Districts” to reduce the minimum lot size required; to change the maximum number of chickens permitted; to amend Article 2, Division III “Use Definitions”; to add a new section 3-3-048 “Livestock and Animal Quarters”; to amend and renumber existing sections; to amend Table 2-1; to repeal conflicting ordinances, and for other purposes. (Sponsored by Councilmember Crawley.)

Councilmember Crawley made a motion to approve O-21-06. Councilmember Venable seconded the motion. Councilmembers Crawley, Venable and McCormic voted to approve O-21-06. Councilmembers Lyle and Thrasher voted no. The motion passed 3-2.



9. **O-21-07 UDC Text Amendment Ordinance, Zoning Districts and Official Zoning Map:** Second reading. An ordinance amending the Unified Development Code of the City Of Statham, Georgia, Adopted June 30, 2020, as amended, to amend Article II, “Zoning Districts and Official Zoning Map,” Section 2-206 “UR, Urban Residential District”; Section 2-212 “PUD, Planned Unit Development District, and Table 2-2, “Dimensional Requirements by Zoning District” as it pertains to the MFR, Multiple Family Residential District; To repeal conflicting ordinances; to provide for severability; to provide for an effective date; and for other purposes.

Councilmember McCormic made a motion to approve O-21-07. Councilmember Venable seconded the motion, and the motion passed unanimously.

10. **Planning & Development Agreement Renewal:** To approve the Mayor to sign a renewal agreement with Jerry Weitz, PhD, FAICP and Principal of Weitz and Associates, Inc. for a term of two (2) years beginning July 1, 2021 through June 30, 2023 for zoning administration and planning services for the City.

Councilmember Venable made a motion to approve the renewal agreement with Jerry Weitz, PhD, FAICP and Principal of Weitz and Associates, Inc. for planning and zoning consultation. Councilmember Crawley seconded the motion. Councilmembers Venable, Crawley, Thrasher and McCormic voted to approve. Councilmember Lyle voted no. The motion passed 4-1.

11. **Information Technology Services Agreement:** To approve an annual technology services agreement with Bradley Electronics for \$15,000 per year. A total of three annual proposals were received: a) \$15,000 (unlimited support hours per month) from Bradley Electronics, b) \$22,400 (unlimited hours per month) from Athens Micro, and c) \$13,800 (10 support hours per month) from TKS. The Mayor and staff’s recommendation is to select Bradley Electronics as the City’s technology services company.

Councilmember McCormic made a motion to renew the annual agreement with TKS for the City’s technology services. Councilmember Lyle seconded the motion. Councilmember Venable abstained due to conflict of interest. The motion passed 4-0.

12. **Water & Sewer Money Market Asset Account:** To use \$140,000 as fund balance in FY22 for the purchase of sewer capacity from Barrow County.

Councilmember Crawley made a motion to release the asset account restriction of the Water & Sewer Money Market Bank Account, and utilize \$140,000 to purchase sewer capacity from Barrow County. Councilmember Thrasher seconded the motion, and the motion passed unanimously.

13. **Ground Water Services, Inc.:** To extend the agreement with Ground Water Services, Inc. for the City’s well exploration and development project. The project has completed Phase 1 (location sites for potential wells), and Phase 2 and Phase 3 (exploration geophysical surveys and well site selection reports). This next phase includes well site drilling for aquifer depths. The cost is not to exceed \$18,500, which was an amount amended from the June 3, 2021 Work Session Meeting from \$13,000.

Councilmember Venable made a motion to extend the agreement with Ground Water Services, Inc. for well exploration and development with the cost not to exceed \$18,500. Councilmember Crawley seconded the motion, and the motion passed unanimously.

**14. Preliminary Plat, Charlotte's Place:** Preliminary Plat approval for Charlotte's Place, 55 lots on 49.86 acres fronting the south side of Jefferson Street; Sapphire Properties, LP, owner, by Rob Scott; Armentrout Matheny Thurmond, PC, by Michael Thurmond, applicant and engineer. Map and parcel ST04 048, ST04 049, ST04 050, ST04 051 and ST04 114. Current zoning SR-2 and RR.

Councilmember McCormic made a motion to approve Charlotte's Place Preliminary Plat. Councilmember Venable seconded the motion. Councilmembers McCormic, Venable, Crawley and Thrasher voted to approve the preliminary plat. Councilmember Lyle voted no. The motion passed 4-1.

**15. American Rescue Plan Act Terms of Agreement:** To approve the Mayor to complete the Terms of Agreement for the City to receive grant funds through the ARPA.

Councilmember McCormic made a motion to approve the Mayor to complete the terms of agreement for the ARPA grant. Councilmember Venable seconded the motion, and the motion passed unanimously.

Via Zoom, City Attorney, Jody Campbell, explained the consequences of not approving a budget.

A Special Called Meeting to vote on the FY22 budget was scheduled for Tuesday June 22, 2021 at 6:30 p.m.

#### **MINUTE APPROVAL (consent Council Minutes approval)**

1. June 3, 2021 Public Hearings and Work Session
2. June 10, 2021 Budget Workshop Minutes

Councilmember Crawley made a motion to approve the minutes from June 3, 2021 and June 10, 2021. Councilmember Venable seconded the motion, and the motion passed unanimously.

#### **ADJOURN**

At 8:30 p.m., Councilmember Venable made a motion to adjourn. Councilmember McCormic seconded the motion, and the motion passed unanimously.