THE COLLABORATIVE FIRM

POND

Stockbridge
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CITY OF STOCKBRIDGE, GA

UNIFIED DEVELOPMENT CODE



Officially Adopted On:

March 14, 2022

City of Stockbridge Inc. 1920
Henry County, Georgia

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TITLE 12: ZONING

Chapter 1: GENERAL PROVISIONS

1.1 Title.

These development regulations shall be known as the "Unified Development Code of the City of Stockbridge, Georgia," and may be referred to herein as the “Unified Development Code,” the “Zoning Ordinance,” “Zoning Code”, or the "UDC."

1.2 Authority.

The UDC is enacted pursuant to the requirements and authority granted by the Constitution and laws of the State of Georgia; in particular, the "Zoning Procedures Law" of the State of Georgia.

1.3 Applicability.

1.3.1 Generally.

The regulations, standards, criteria, and procedures that are set forth in this UDC shall govern the design, development, and use of all land within the corporate limits of the City of Stockbridge, Georgia.

1.3.2 Exemptions and Exceptions.

The following situations are exempt from the requirements of the UDC:

A. Buildings or structures that are legally under construction on the effective date of the UDC.

B. Buildings or structures for which a building permit has been issued as of the effective date of this UDC, provided that construction commences prior to the expiration of the building permit and construction continues in a diligent manner until it is completed.

C. A project whose development plan or subdivision plat was approved prior to the effective date of this UDC, and which commences no later than one (1) year after the effective date of this UDC.

D. The proposed or actual use of property which was lawfully approved as of the effective date of this UDC.

E. Applications for building permits, development permits, and zoning requests which were legally submitted, with a completed application and fees paid prior to the adoption of this UDC, shall not be required to meet the requirements of the adopted UDC, but shall meet the requirements of adopted ordinances at the time of application.

F. Zoning requests that were denied, but for which the applicant has filed an appeal to Mayor and City Council as of the effective date of the UDC.

1.4 Purpose and Intent.

The purpose and intent of the Unified Development Code is to accomplish the following:

A. Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge;

B. Minimize congestion on public streets;

C. Advance traffic safety;

D. Secure safety from fire, flood, and other dangers;

E. Provide adequate light and air;

F. Prevent the overcrowding of land, avoiding both undue concentration of population and urban sprawl;

G. Facilitate the adequate provision of transportation, water, sewage collection, schools, parks, and other public requirements;

H. Protect property against blight and depreciation;

I. Encourage the most appropriate and best use of land, buildings, and other structures throughout the City;

J. Ensure economy in government expenditures for infrastructure; and

K. Preserve natural resources.

1.5 Relationship to the Comprehensive Plan.

The City of Stockbridge Comprehensive Plan, as is updated from time to time according to State requirements, is the official development policy and implementation guide for the City. Its purpose is to coordinate and direct physical and economic development, as well as related public investment, and to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. The Unified Development Code is designed to implement all provisions of the Comprehensive Plan for the development and use of land.

1.6 Administrator.

The Community Development Director has been designated by the City of Stockbridge as the official who is charged with the administration of this UDC. The Director may, therefore, establish such rules and procedures as may be necessary, including, but not limited to, administrative procedures for the filing of applications for the amendment of the Official Zoning Map of the City of Stockbridge. These applications may include zoning requests, variances, and other applications as may be submitted for development

approval. The Director is hereby authorized to interpret the provisions of this UDC whenever it is warranted and appropriate.

1.7 Documents Adopted by Reference.

1.7.1 Official Zoning Map.

A. The Official Zoning Map shall be adopted by resolution of the Mayor and City Council, which directs the identification of the official zoning map by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Stockbridge, Georgia," together with the date of adoption.

B. The Official Zoning Map of the City of Stockbridge, Georgia, together with all explanatory notes thereon, is hereby adopted by reference and declared part of this UDC.

C. If changes are made to district boundaries or other matter portrayed on the official zoning map in accordance with the procedural requirements set forth in Chapter 7 and 8 of the UDC regarding amendments to the official zoning map, such changes shall be entered on the official zoning map annually after the amendment has been approved by the Mayor and City Council recorded as an entry in the minutes of such City Council meeting as follows: "On _____/_____, 20_____ by official action of the Mayor and City Council, the following (change) changes (was) were made to the official zoning map: (brief description of nature of change or changes)." Such map entries shall be signed by the Mayor and attested by the City Clerk.

D. The Official Zoning Map which is located in the office of the Director shall be the final authority as to the current zoning status of any parcel of land in the City.

E. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may, by ordinance, adopt a new official zoning map, which shall supersede the prior official zoning map.

F. The new Official Zoning Map may be corrected to remedy drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map.

G. The Official Zoning Map shall be re-adopted by the Mayor and City Council as needed.

H. This new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____/_____, 20_____ as part of the Unified Development Code."

I. Unless the previous Official Zoning Map has been lost, or has been destroyed, the prior map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

J. If official zoning records are in conflict with the Official Zoning Map and reveal drafting or other errors, such records shall be used to amend the Official Zoning Map administratively. Further, notification of such errors shall be made to the Mayor and City Council for certification and re-adoption.

1.7.2 Functional Road Plan.

The functional road plan, adopted in the Comprehensive Plan, describing the functional classifications and associated right-of-way requirements, is hereby adopted by reference and declared part of this Unified Development Code. This plan provides information to guide the City of Stockbridge in requiring dedication or preservation of land for rights-of-way for future streets.

1.7.3 Georgia Stormwater Management Manual.

The Georgia Stormwater Management Manual (GSMM) is hereby adopted by reference and declared to be a part of this Unified Development Code. The GSMM specifies the channel protection, flood control requirements and design standards necessary to control stormwater runoff and protect water quality.

1.7.4 Metro North Georgia Water Planning District.

Legislation for the creation of the Metropolitan North Georgia Water Planning District was enacted on to develop regional- and watershed-specific plans for a sixteen-county area of Georgia. The City of Stockbridge is located within the water supply area, and it is a member of the Metropolitan North Georgia Water Planning District; thus, its enabling legislation also requires that all provisions that are established by the District, as may be amended from time to time, be implemented by the local governments.

1.7.5 Floodplain Management.

The City of Stockbridge is required to adhere to the floodplain management standards which are referenced in Paragraph 60.3(d) (44 CFR 59), based on its participation in the National Flood Insurance Program (NFIP). The adopted Flood Insurance Study (FIS), with its accompanying maps and other supporting data (as well as any revisions thereto, as may be amended from time to time), are hereby adopted by reference and shall be the final authority concerning Base Flood Elevations (BFE) for the City of Stockbridge, if they are available.

1.7.6 Building and Construction Codes.

Each building and construction code that is listed in Subsections 1.7.6. (A) through (O), as has been approved by the State of Georgia, including any attachments, future editions, and amendments as may be approved by Mayor and City Council, are hereby adopted by reference as if it were set forth here in its entirety.

A. International Building Code (ICC).

B. National Electric Code, as is published by the National Fire Protection Association (NFPA).

C. International Fuel Gas Code (ICC).

D. International Mechanical Code (ICC).

E. International Plumbing Code (ICC).

F. International Residential Code for One- and Two-Family Dwellings (ICC).

G. International Energy Conservation Code (ICC).

H. International Fire Code (ICC).

I. International Property Maintenance Code (ICC).

J. Standard Amusement Device Code (SBCCI/ICC).

K. Excavation and Grading Code (SBCCI/ICC).

L. International Existing Buildings Code (ICC).

M. Standard Swimming Pool Code (SBCCI/ICC).

N. Standard Unsafe Building Abatement Code (SBCCI/ICC).

O. The Code for Safety of Life from Fire in Buildings and Structures, as is contained in the National Fire Prevention Association Publication 101 (NFPA).

1.7.7 OSHA Safety and Health Regulations Regarding Excavating and Trenching.

All safety and health regulations that are promulgated by OSHA with regard to excavating and trenching operations, particularly Part 1926, Subpart P, “Excavation, Trenching, and Shoring” in Sections 1926.650, 1926.651, and 1926.652 of the Code of Federal Regulations, which now exists or may hereafter be amended, are hereby adopted as part of this Unified Development Code as if they were quoted verbatim here.

1.8 Rules of Interpretation.

1.8.1 Generally.

A. The following rules of interpretation shall apply to the administration of the Unified Development Code:

1. Where any conflict in the administration of the Unified Development Code between the text of the Unified Development Code and any caption, illustration, or graphic presentation exists, the text of the Unified Development Code shall control.

2. All statements that refer to "section" shall mean sections of this Unified Development Code, unless the statement clearly provides a reference to another document.

3. More specific provisions of this Unified Development Code shall be followed in lieu of more general provisions.

4. Where more than one (1) standard on the same subject is applied to the design and development of land, the stricter standard shall apply.

5. In interpreting and applying the provisions of this Unified Development Code, the provisions shall be the minimum requirements for the promotion of health, safety, aesthetics, and welfare of the public.

1.8.2 Rules for Boundary Interpretations.

It is the intent of this Unified Development Code that the entire area of the City, including all land, water areas, rivers, streets, alleys, railroad and other rights-of-way, be included in the districts established by this Unified Development Code. If uncertainty exists with respect to the location of the boundaries of any zoning district in the City, the following rules shall apply:

A. District boundaries indicated as approximately following the centerlines of streets or highways shall be construed as following the indicated centerlines.

B. District boundaries indicated as approximately following street or highway right-of-way lines shall be construed as following the street or highway right-of-way lines.

C. District boundaries indicated as approximately following lot or property lines shall be construed to follow such lot or property lines.

D. District boundaries indicated as approximately parallel to the centerlines of streets, roads, highways, or railroads or rights-of-way of same, shall be construed as being parallel thereto and at such distance as indicated on the official zoning map. If no distance or legal description is given, the dimension shall be determined by the use of the scale shown on the official zoning map.

E. Where a district boundary line divides a lot that is in single ownership upon the effective date of this Unified Development Code, the district requirements for each portion of such lot shall be deemed to apply.

F. In the case of a through lot fronting on two (2) approximately parallel streets that is divided by a zoning district boundary paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

G. Where zoning district boundaries are in doubt, the Director shall make such interpretation using the appropriate scale from the official zoning map.

1.8.3 Rules of Construction.

A. Words that are used in the present tense shall include the future tense.

B. Words that are used in the singular number shall include the plural number, and words that are used in the plural number shall include the singular number.

C. A word denoting the masculine gender shall extend and be applied to female persons; and to firms, partnerships, and corporations as well as to male persons.

D. The word "may" is always permissive and never mandatory. The word "shall" is always mandatory.

E. The word "month" shall mean thirty (30) days.

F. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies, both political and corporate; as well as to individuals.

G. The word "includes" shall not limit a term to the specified examples, but it is intended to extend its meaning to other instances or circumstances which are of like kind or character.

1.8.4 Computation of Time.

Except as required by state or federal law, or as interpreted by the courts, the time within which an act shall be performed shall be computed by business days, excluding the first day and including the last day. Saturdays, Sundays and legal holidays recognized by the City of Stockbridge shall be excluded from the computation.

1.9 Abrogation.

This Unified Development Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Unified Development Code and another ordinance conflict or overlap, whichever ordinance imposes the more stringent standard or restriction shall prevail.

1.10 Severability.

If any section, paragraph, clause, phrase, or provision of this Unified Development Code shall be adjudged to be invalid or held as being unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of remaining portions of this Unified Development Code.

1.11 Conversion of Previous Zoning Districts

A. Zoning districts that were established under the previous zoning ordinance of the City of Stockbridge are hereby renamed to the zoning district names and designations under this Unified Development Code, as shown in Table 1.11. All regulations, requirements and provisions of this Unified Development Code applicable to a zoning district established under this section shall apply to the previously named zoning district as now named, and as indicated in Chapter 2, Zoning Districts.

B. All special conditions and stipulations imposed as conditions of rezoning of property prior to adoption of this Unified Development Code are hereby retained and reaffirmed and shall continue in full force and effect until the property is rezoned or the prior zoning action of Mayor and City Council is amended through the rezoning process established by this Unified Development Code.

Table 1.11: Conversion of Previous Zoning Districts

Previous Zoning District Designation	**Zoning District Designation under this Unified Development Code**
Residential Zoning Districts	
RA, *Residential-agricultural district*	RR – Rural Residential District
R-1, *Single family residential district*	
R-2, *Single family residential district*	SR – Suburban Residential District
R-3, *Single family residential district*	
RD, *Residential duplex district*	CCR – City Center Residential District
RM, *Multifamily residential district*	MFR – Multiple Family Residential District
RM-1	
RM-2	
RM-3	
RMH, *Mobile or manufactured home development district*	RMH, *Mobile or manufactured home development district*
Commercial, Office and Institutional Zoning Districts	
OI, *Office-institutional district*	OI - Office-Institutional District
	DT - Downtown District
C-1, *Neighborhood commercial district*	C1 - Neighborhood Commercial District
C-2, *General commercial district*	C2 - General Commercial District
C-3, *Highway commercial district*	C3 - Heavy Commercial District
Industrial Zoning Districts	
M-1, *Light manufacturing*	LI – Light Industrial District
M-2, *Heavy manufacturing district*	HI – Heavy Industrial District
X-1, *Railroad District*	
Mixed Use Districts	
PTD, *Planned town development district*	PUD – Planned Unit Development
MUND, *Mixed use neighborhood development district*	
TND, *Traditional neighborhood development*	

1.12 Transition Rules.

A. Any application for a Building Permit or Land Disturbance Permit that has been filed with the Community Development Department, and is full and complete, prior to the effective date of this Unified Development Code, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those which are set forth by this Unified Development Code.

B. Any application for a Zoning Map Amendment (a rezoning) that was filed with the Community Development Department and is full and complete prior to the effective date of this Unified Development Code, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists in this Ordinance, the Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

C. Any application which is before the Mayor and City Council or the Planning Commission (i.e. a rezoning, a zoning modification, a conditional use, a development standards variance, or a land use amendment) that has been filed with the Community Development Department, and is full and complete prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that if such application is no longer required by the terms of this Ordinance, the application will be dismissed.

1.13 Development Standards Concerning Previously Approved Plats.

Any residential, commercial, or industrial subdivision which was platted prior to the effective date of this Unified Development Code shall be subject to all development standards that are in place at the time of plat recording.

Chapter 2: ZONING AND OVERLAY DISTRICTS

2.1 Generally.

All buildings, land, and structures shall be used in accordance with the Comprehensive Plan for the City of Stockbridge, and they shall comply with the development standards of the applicable zoning district which is established in this Chapter 2. Such buildings, land, and structures shall be occupied or used only in conformity with each of the standards that are set forth herein for the district in which they are located.

2.2 Official Zoning Map.

The City of Stockbridge is hereby divided into zoning districts, as is shown on the Official Zoning Map, together with all explanatory notes thereon. The Official Zoning Map may be amended according to procedures that are established in Chapter 2 of the UDC.

2.3 Establishment of Zoning Districts.

The zoning districts which are established in this Unified Development Code are comprised of base districts and overlay districts. The base zoning districts refer to “how a property is zoned”, while the overlay districts are special areas of the City where additional regulations apply. Many properties in the City have overlay districts in addition to their base zoning districts, whereby properties must comply with the regulations of both districts. If there is any conflict between a property’s base zoning district and its overlay district, the overlay district regulations shall rule.

Most properties that are located along the major roads within the City of Stockbridge are also located within the Parkway Mixed Use Overlay district. Please see the adopted Overlay Map to view these parcels. These properties therefore have two zoning districts—a base zoning district and an overlay district. Each district is assigned development standards that regulate the use and development of property within the City Limits of Stockbridge. Uses may be permitted "by right" with no further approvals required; uses may be subject to supplemental standards; and certain uses may be prohibited. The range of residential uses is presented in the respective residential zoning districts. Commercial, institutional, and industrial uses are presented in the respective nonresidential zoning districts. Accessory uses which are permitted in residential and nonresidential districts are presented in the individual zoning districts.

2.3.1. List of Current Zoning Districts.

Listed below are the City of Stockbridge's current zoning districts. They are grouped by base zoning districts and overlay districts. The base zoning districts are further grouped by residential districts, commercial districts, industrial districts, and other districts.

LIST OF THE CITY OF STOCKBRIDGE'S CURRENT ZONING DISTRICTS

The City of Stockbridge's current zoning district consists of Base Zoning Districts and Overlay Zoning Districts, as are listed below.

BASE ZONING DISTRICTS:

- **Residential Zoning Districts:**
  - Rural Residential District (RR)
  - Suburban Residential District (SR)
  - City Center Residential District (CCR)
  - Multiple Family Residential District (MFR)
  - Mobile Home Residential District (MHR)
- **Commercial Zoning Districts:**
  - Neighborhood Commercial District (C1)
  - General Commercial District (C2)
  - Heavy Commercial District (C3)
  - Office-Institutional District (OI)
  - Downtown District (DT)
- **Industrial Zoning Districts:**
  - Light Industrial District (LI)
  - Heavy Industrial District (HI)
- **Mixed Use Zoning Districts:**
  - Planned Unit Development District (PUD)

OVERLAY ZONING DISTRICTS:

- Parkway Mixed Use Overlay District (PMU)
- Downtown Village Overlay District (DTV)

2.3.2 City of Stockbridge Zoning District Conversion Chart.

During the preparation of this new Unified Development Code, some zoning districts were retained, some districts were converted to new districts or combined with other districts, some districts were eliminated, and new districts were added. The City of Stockbridge Zoning District Conversion Chart below provides this information.

CITY OF STOCKBRIDGE ZONING DISTRICT CONVERSION CHART

Previous Zoning District Designation	**Zoning District Designation under this Unified Development Code**
Residential Zoning Districts	
RA, *Residential-agricultural district*	RR – Rural Residential District
R-1, *Single family residential district*	
R-2, *Single family residential district*	SR – Suburban Residential District
R-3, *Single family residential district*	
RD, *Residential duplex district*	CCR – City Center Residential District
RM, *Multifamily residential district*	MFR – Multiple Family Residential District
RM-1	
RM-2	
RM-3	
RMH, *Mobile or manufactured home development district*	MHR - Mobile Home Residential District
Commercial, Office and Institutional Zoning Districts	
OI, *Office-institutional district*	OI - Office-Institutional District
NEW District	DT - Downtown District
C-1, *Neighborhood commercial district*	C1 - Neighborhood Commercial District
C-2, *General commercial district*	C2 - General Commercial District
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Industrial Zoning Districts	
M-1, *Light manufacturing*	LI – Light Industrial District
M-2, *Heavy manufacturing district*	HI – Heavy Industrial District
X-1, *Railroad District*	
Mixed Use Districts	
PTD, *Planned town development district*	PUD – Planned Unit Development
MUND, *Mixed use neighborhood development district*	
TND, *Traditional neighborhood development*	

2.4 Zoning Districts – Uses and Development Standards.

The following sections present those development standards that must be met in the respective zoning districts that are established in this Unified Development Code.

2.4.1 RR – Rural Residential District.

RR – Rural Residential District

District Intent

The intent of the Rural Residential district is to preserve the mixed agricultural and residential character of land which presently serves as a transition between rural land and land which may become urban in character.

Permitted Uses and Conditional Uses

Permitted Uses

Residential

- Single-Family Residences
- Boarding house/ group home/ personal care home having 2 or less residents
- Manufactured Home
- Senior adult housing

Agricultural

- Riding academies and stables on tracts of not less than three (3) acres

Public/ Institutional

- Cemeteries
- Municipal, County, State or Federal Buildings
- Public School K-12
- Parks and Playgrounds
- Athletic fields
- Emergency response and public safety facilities

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Residential

- Boarding house/ group home/ personal care home having 3 or more residents

Agricultural

- Keeping or raising of livestock
- Livestock processing and feedlots
- Roadside produce stands

Public/ Institutional

- Funeral home, mortuaries, and crematoriums
- Animal Care Facilities (Kennels, Animal Hospitals, Veterinary Clinics, and Stables) provided that all structures, pens, and runs be in the rear yard only, with a minimum setback of seventy-five (75) feet from all property lines
- Private clubs and lodges
- Mass Assembly Centers and Grounds (Section 3.2.24)

Conditional Uses Cont.

Public/ Institutional

- Adult and Child Day Care
- Pre-K and Private School K-12

Commercial

- Golf course or driving range
- Commercial Greenhouses or plant nurseries
- Bed and Breakfast Facility (Not in a Subdivision)

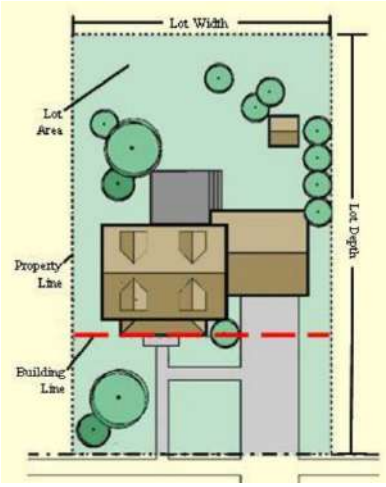
Accessory Uses

Residential

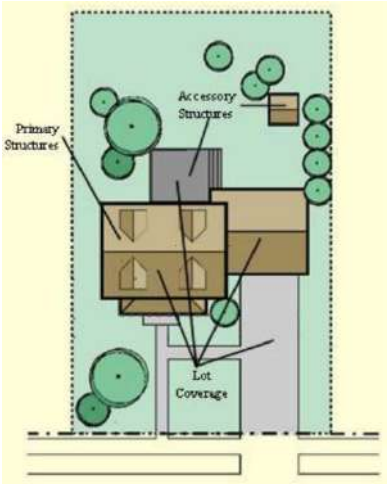
- Accessory Dwelling Unit, such as garage apartment, basement quarters, mother-in-law suite, or other type as determined by the Director
- Home Occupation, excluding family day cares
- Short Term Rental

RR – Rural Residential District

District Standards







LOT DIMENSIONS

Minimum Lot Area:

- 1 acre on public water/ sewer and/ or septic
- 1.25 acre on private well and septic
- 3 acres for agricultural use

Minimum Lot Width:

- 150 feet

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:

- 75 feet

Minimum Side Yard Setback:

- 20 feet

Minimum Rear Yard Setback:

- 40 feet

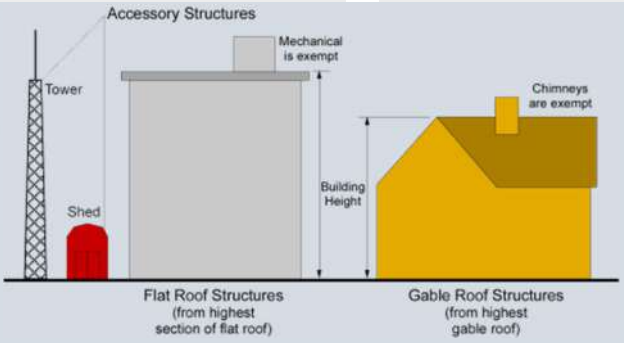
OTHER REQUIREMENTS

Maximum Lot Coverage:

- 30 percent

Minimum Living Area:

- 1,000 sq. ft. on lot having 1.25-acre lot or larger
- 1,200 sq. ft. on lot smaller than 1.25 acres



Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.2 SR – Suburban Residential District.

SR – Suburban Residential District

District Intent

The intent of the Suburban Residential district is to provide for single-family dwellings of a low to moderate density character on individual lots.

Permitted Uses and Conditional Uses

Permitted Uses

Residential

- Single-Family Residences

Public/ Institutional

- Cemeteries
- Golf course or driving range
- Municipal, County, State or Federal Buildings
- Public School K-12
- Parks and Playgrounds

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Residential

- Boarding house/ group home/ personal care home having 2 or fewer residents
- Senior housing for ages 55+, excluding medical services.

Public/ Institutional

- Adult and Child Day Care Centers
- Mass Assembly Centers and Grounds (Section 3.2.24)

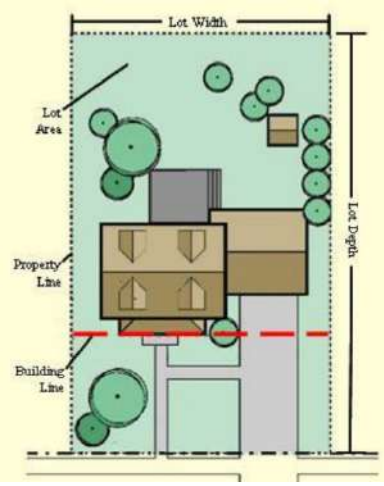
Accessory Uses

Residential

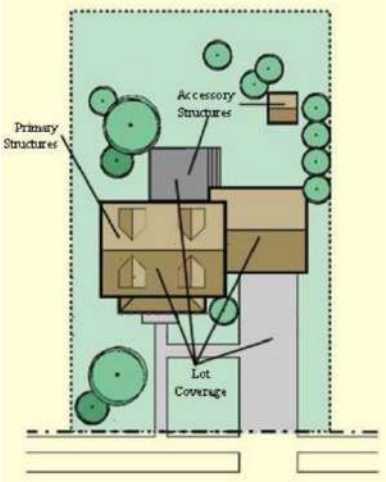
- Accessory Dwelling Unit, such as garage apartment, basement quarters, mother-in-law suite, or other type as determined by the Director
- Home Occupation, excluding family day cares

SR – Suburban Residential District

District Standards







LOT DIMENSIONS

Minimum Lot Area:
- 12,000

Minimum Lot Width:
- 75 feet

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:
- 50 feet

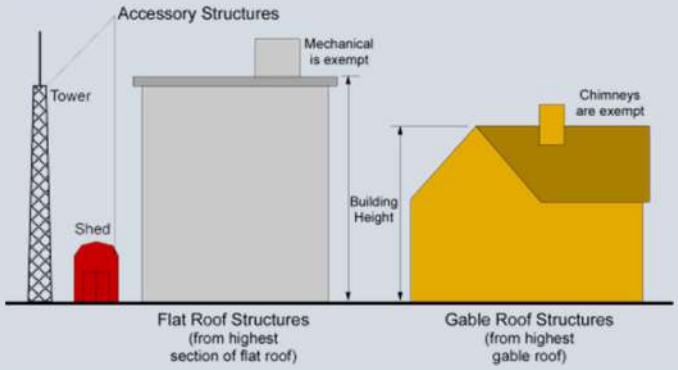
Minimum Side Yard Setback:
- 10 feet

Minimum Rear Yard Setback:
- 40 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 30 percent

Minimum Living Area:
- 1,500 sq. ft.



Maximum Structure Height:
- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.3 CCR – City Center Residential District.

CCR – City Center Residential District

District Intent

The intent of the City Center Residential district is to provide a diversity of residential housing types on smaller lots where public sewer systems are present, when they are a part of a planned development project.

Permitted Uses and Conditional Uses

Permitted Uses

Residential

- Single-Family Residences
- Townhomes
- Duplex
- Triplex
- Quadraplex

Public/ Institutional

- Municipal, County, State, or Federal Buildings
- Public School K-12
- Parks and Playgrounds

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Residential

- Boarding house/ group home/ personal care home having 2 or less residents

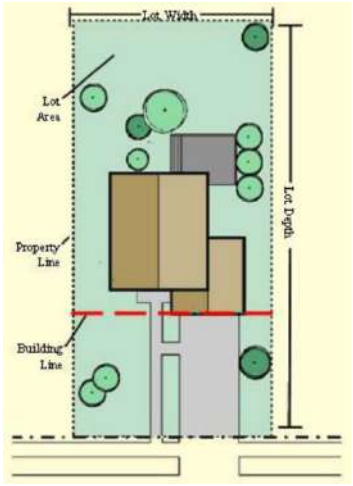
Accessory Uses

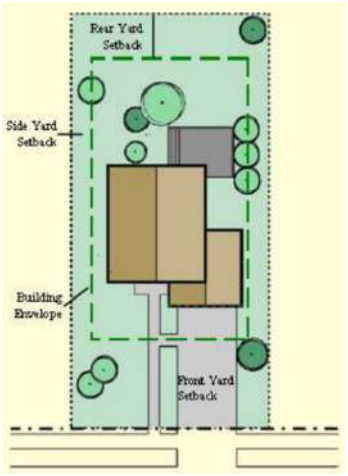
Residential

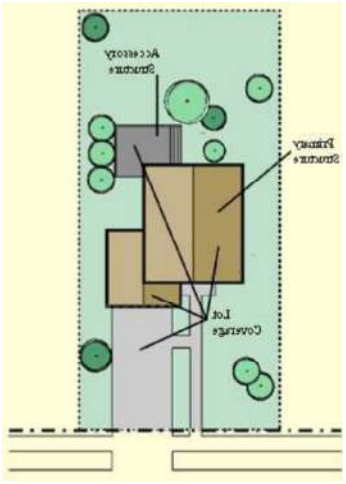
- Accessory Dwelling Unit, such as garage apartment, basement quarters, mother-in-law suite, or other type as determined by the Director
- Home Occupation, excluding family day cares
- Short-Term Rental

CCR – City Center Residential District

District Standards







LOT DIMENSIONS

Minimum Lot Area:
- 6,000 sq. ft.

Minimum Lot Width:
- 50 feet

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 70% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:
- 25 feet

Minimum Side Yard Setback:
- 10 feet

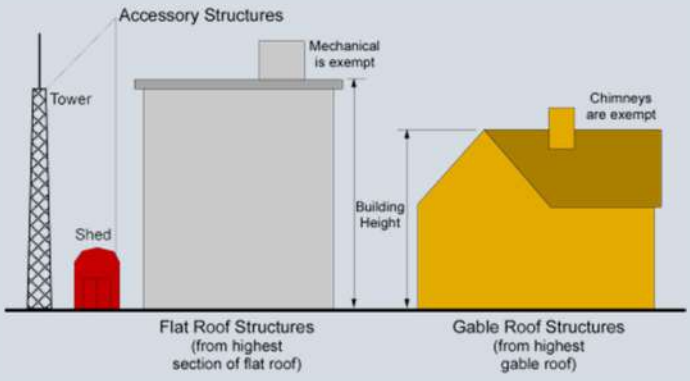
Minimum Distance Between Buildings:
- 20 feet

Minimum Rear Yard Setback:
- 30 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 50 percent

Minimum Living Area:
- 850 sq. ft. per unit



Maximum Structure Height:
- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.4 MFR – Multiple Family Residential District.

MFR – Multiple Family Residential District

District Intent

The intent of the Multiple Family Residential district is to allow the development of multiple family residences served by public water and sewer systems. The provisions that regulate this land use district provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.

The City should promote an average density of 14 dwelling units per acre or higher.

Permitted Uses, and Conditional Uses

Permitted Uses

Residential

- Triplex
- Quadraplex
- Apartments
- Townhouses
- Condominiums
- Senior Housing, excluding a medical component due to State licensing restrictions.

Public/ Institutional

- Municipal, County, State or Federal buildings
- Public School K-12
- Parks and Playgrounds

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Residential
N/A

Public/ Institutional

- Adult and Child Day Care centers
- Private School K-12
- Nursing Homes, Assisted Living, and Hospice Care Facilities

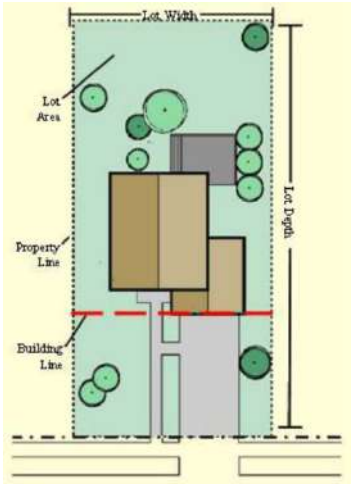
Accessory Uses

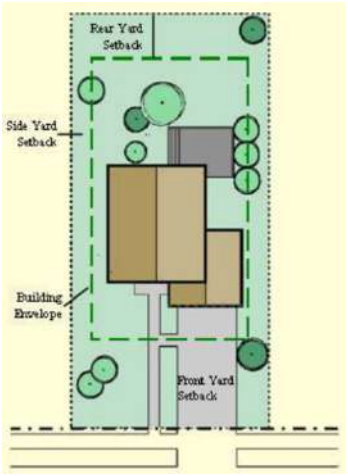
Residential

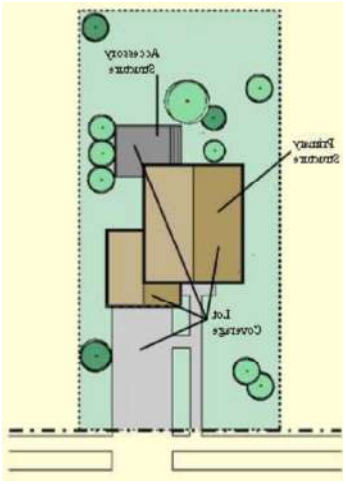
- Home Occupation, except for home day cares.

MFR – Multiple Family Residential District

District Standards







LOT DIMENSIONS

Minimum Lot Area for Development:
- 2 acres

Minimum Lot Width:
- 100 feet

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:
- 50 feet

Minimum Side Yard Setback:
- 15 feet

Minimum Distance Between Buildings:
- 20 feet

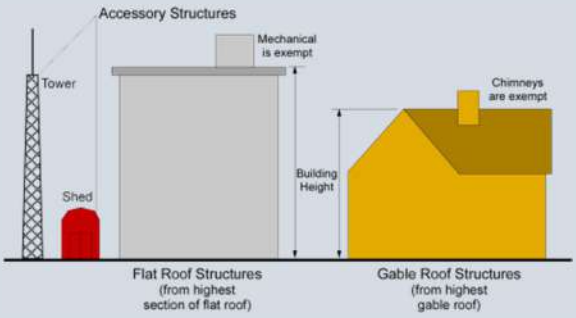
Minimum Rear Yard Setback:
- 20 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 50 percent

Minimum Open Space:
- 15 percent

Minimum Living Area:
- Studio - 800 sq. ft.
- 1 bedroom - 650 sq. ft.
- 2 bedroom - 950 sq. ft.
- 3 bedroom - 1150 sq. ft.



Maximum Structure Height:
- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.5 MHR – Mobile Home Residential District.

MHR – Mobile Home Residential District

District Intent

The intent of the Mobile home Residential district is to accommodate mobile home developments as an attractive and attainable housing options. Mobile home parks shall be designed in accordance with O.C.G.A § 8-2-160 through 168, the State Board of Health requirements, and the requirements of this ordinance.

It is intended that such mobile home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, and access for vehicular traffic without traversing local streets in adjoining residential neighborhoods. Mobile home developments, including mobile home parks and mobile home subdivisions, shall be located on a thoroughfare having the minimum classification of an arterial roadway.

Permitted Uses and Conditional Uses

Permitted Uses

Residential

- Manufactured home
- Mobile home

Public/ Institutional

- Municipal, County, State, or Federal buildings
- Public School K-12

Conditional Uses

Public/ Institutional

- Pre-K and Day Care centers, provided that they are not located inside of a home, but rather in a freestanding building.

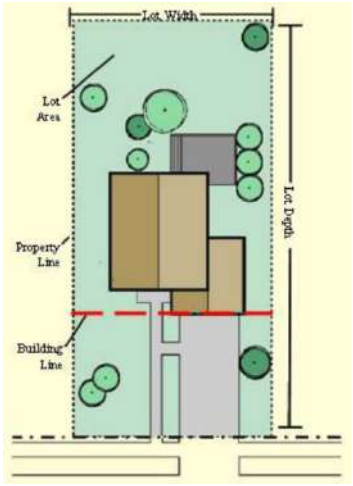
Accessory Uses

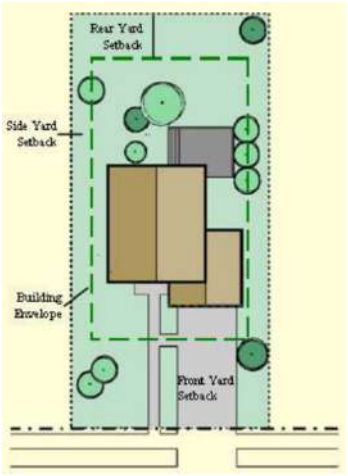
Residential

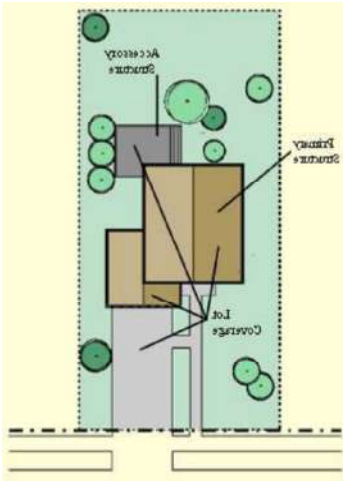
- Home Occupation, except for pre-K and day care centers.
- One (1) office/ maintenance building incidental to use by residents of a mobile home park
- Commercial and service establishments intended to serve only persons within the mobile home park when located within mobile home parks and occupying not more than three (3) percent of the total land area of the mobile home park.
- Recreation areas and structures owned, operated and maintained exclusively for the use of residents and guests of residents of the mobile home park

MHR – Mobile Home Residential District

District Standards







LOT DIMENSIONS

Minimum Development Area:
- 15 acres for park

Minimum Lot Width:
- 125 feet

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width

Minimum Lot Area:
- 5,000 sq. ft. with public water and sewer
- 18,000 sq. ft with public water and septic

YARD SETBACKS

Minimum Development Front Yard Setback:
- 60 feet

Minimum Side Yard Setback:
- 15 feet

Minimum Distance Between Buildings:
- 20 feet

Minimum Rear Yard Setback:
- 40 feet

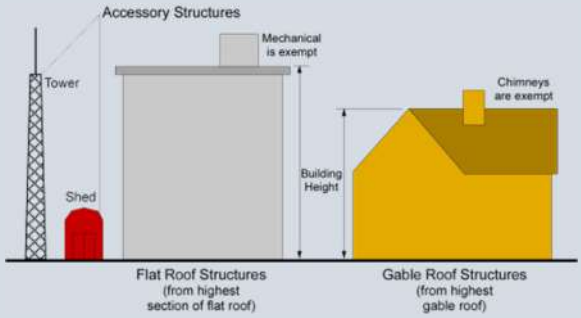
OTHER REQUIREMENTS

Maximum Lot Coverage:
- 40 percent

Minimum Open Space:
- 20 percent

Minimum Living Area:
- 720 sq. ft.

Minimum Number of Units:
- 50 per development



Maximum Structure Height:
- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.6 OI – Office Institutional District.

OI – Office Institutional District

District Intent

The intent of the OI district is to allow a land use category for offices, banks, and personal business services which can serve as a transitional area between residential and commercial districts.

Permitted Uses, and Conditional Uses

Permitted Uses

Commercial Uses

- Bakeries
- Banks and loan associations
- Barber shop and beauty salon, only when located inside of buildings for other uses
- Bookstores
- Cafes inside of buildings for other uses
- Child and adult day care centers
- Clothing and apparel store, only when located inside of buildings for other uses
- Coin laundry, dry cleaning, and pick up stations, only when located inside of buildings for other uses
- Dental offices
- Fueling service stations
- Florist and gift shops
- Fitness Center
- Museums and art galleries
- Nonprofit Fraternal Organizations and Clubs
- Pharmacy or apothecary
- Clinics, cafeterias, employee credit unions and recreational facilities for employees only

Permitted Uses Cont.

- Library or museum
- Restaurants having no drive thru
- Health services clinic, urgent care
- Home healthcare service, office use only
- Hospital or medical facility
- Kidney dialysis center
- Medical or dental laboratories
- Physical Therapy

Public/Institutional

- Colleges, universities, research and training facilities
- Municipal, County, State or Federal buildings
- Public School K-12
- Private School K-12
- Parks and recreation centers
- Professional offices
- Vocational Schools

Communications/Utilities

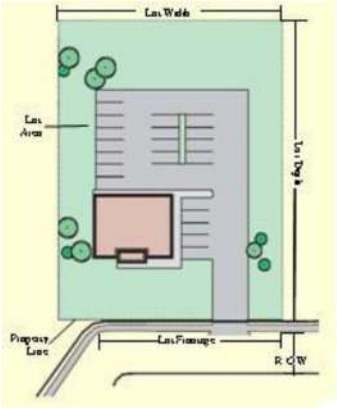
- Bus station
- Park-and-ride lots
- Radio tower
- Wireless Telecommunications
- Utility substation
- Water tower

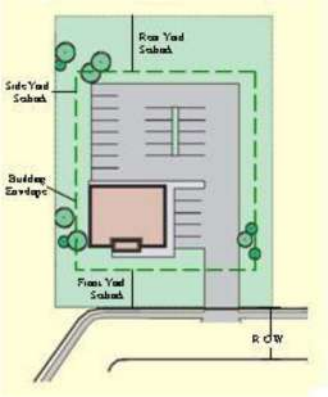
Conditional Uses

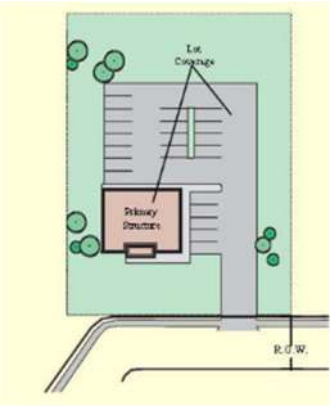
- Nursing Homes, Assisted Living, and Hospice Care Facilities.
- Boarding house/ group home/ personal care home having 3 or more residents
- Mass Assembly Centers and Grounds (See Sections 3.2.24 and 3.1 - Use Table)

OI – Office Institutional District

District Standards







LOT DIMENSIONS

Minimum Lot Area:

- 20,000 sq. ft.

Minimum Lot Width:

- 100 feet with public water/ sewer
- 125 feet with public water and septic

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:

- 50 feet

Minimum Side Yard Setback:

- 15 feet

Minimum Distance Between Buildings:

- 20 feet

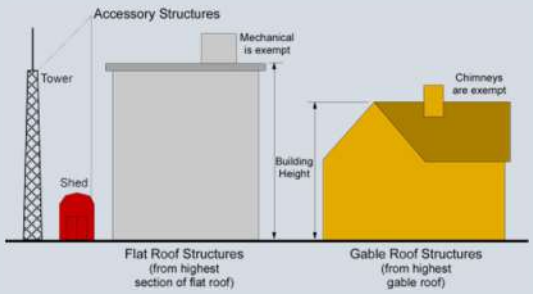
Minimum Rear Yard Setback:

- 20 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:

- 70 percent



Maximum Structure Height:

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.7 DT – Downtown District.

DT – Downtown District

District Intent

The intent of the DT district is to maintain, enhance, and expand the development patterns and mixed use and open space character of Downtown Mainstreet. It is also to encourage compatible infill and redevelopment opportunities. Development standards within the district are intended to continue historic development patterns and promote a predominant land use activity for retail, dining, entertainment, cultural events, community festivals, and residential options, while still allowing for other uses to locate in the district.

Permitted Uses, and Conditional Uses

Permitted Uses

Residential
- Residential units on upper floors
- Live/work units

Commercial Uses
- Apparel and retail stores
- Art galleries
- Antique shops
- Bakery and cafe
- Bank and loan associations
- Barber shop and beauty salon, subject to the use restrictions for regulated businesses
- Bookstores
- Breweries and distilleries, when they are located inside of a restaurant
- Clothing and apparel store
- Day spa and aesthetician
- Drugstore
- Florist and gift shops
- Food trucks and courts
- Fitness center and similar group instruction
- Farmer's markets
- General merchandise store
- Grocery Store
- Ice cream and confectionary stores

Permitted Uses Cont.

- Jewelry store
- Music store
- Office buildings
- Organizations and Clubs
- Pet Supply Store (no boarding)
- Pharmacy
- Recording studios
- Professional offices
- Restaurants, having no drive-though
- Restaurants, including outdoor dining

Public/ Institutional
- Commercial parking garages
- Municipal, County, State or Federal buildings
- Parks, recreation, and open space

Conditional Uses

Residential
- Duplex
- Triplex
- Quadraplex

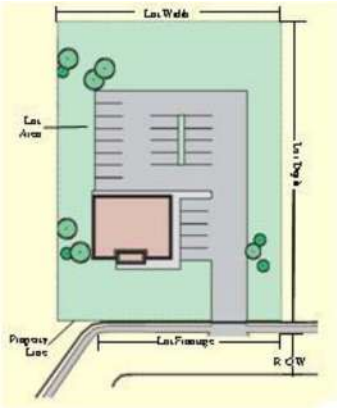
Commercial Uses
- Bars, taverns, pubs, and clubs
- Billiards and arcades
- Mass Assembly Centers and Grounds (See Sections 3.2.24 and 3.1 - Use Table)

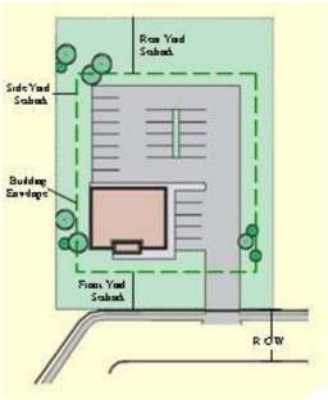
Public/Institutional
- Event space, subject to the "assembly use" restrictions that were adopted by City Council; and subject to the obtaining of a temporary use permit

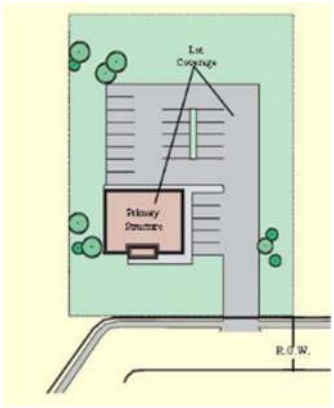
Communications/Utilities
- Wireless Telecommunications
- Utility substation
- Water tower
- Radio tower
- Bus station
- Park-and-ride lot

DT – Downtown District

District Standards







LOT DIMENSIONS

Minimum Lot Area:
- None

Minimum Lot Width:
- None

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- None

YARD SETBACKS

Maximum Front Yard Setback:
- 20 feet

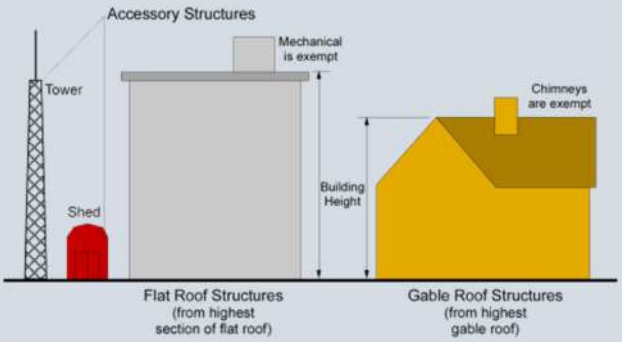
Minimum Side Yard Setback:
- 0 feet
- 10 feet, with doors and windows

Minimum Rear Yard Setback:
- 10 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 90 percent

Minimum Living Area:
- Studio - 600 sq. ft.
- 1 bedroom – 800 sq. ft.
- 2 bedroom – 1,000 sq. ft.
- 3 bedroom – 1,100 sq. ft.



Maximum Structure Height:
- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.8 C1 – Neighborhood Commercial District.

C1 – Neighborhood Commercial District

District Intent

The intent of the C-1 district is to provide locations for limited retail and service uses to satisfy the common and frequent needs of nearby residents of nearby residential neighborhoods. It is the intent of this district to encourage such uses to be a part of a neighborhood convenience shopping center designed as a continuous architectural unit and on roads classified as minor arterial.

Permitted Uses, and Conditional Uses

Permitted Uses

Commercial Uses

- Apparel stores
- Artisans' galleries
- Antique shops, provided that there is no outdoor display or storage
- Bakery, confectionary, and café uses
- Bank and loan associations
- Barber shop and beauty salon
- Bookstores
- Boarding and rooming houses
- Bicycle sales and repair
- Catering establishments
- Child and adult day care centers
- Coin laundry, dry cleaning, and pickup stations
- Colleges, universities, and vocational/technical schools
- Dental offices and clinics
- Consignment and thrift stores, subject to the use restrictions for regulated businesses
- Florist and gift shops
- Fitness centers
- Furniture stores
- Hospitals
- Hotels
- Indoor recreation including bowling alleys, theaters, pool rooms and electronic machines
- Jewelry stores

Permitted Uses Cont.

Commercial Uses

- Medical offices, clinics, and physical therapy facility
- Museums and art galleries
- Music store
- Package store
- Pet supply store (no boarding)
- Pharmacy
- Physical Therapy
- Professional offices
- Professional/ business schools and colleges or other private schools offered for profit
- Restaurants and other dining establishments with or without a drive-through configuration
- Sidewalk sales, provided that a temporary use permit is obtained

Public/ Institutional

- Municipal, County, State or Federal buildings
- Parks and recreation uses
- Public School K-12

Permitted Uses Cont.

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower
- Radio tower

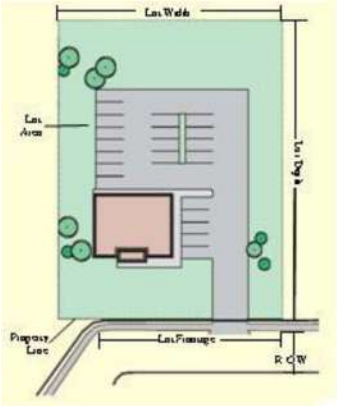
Conditional Uses

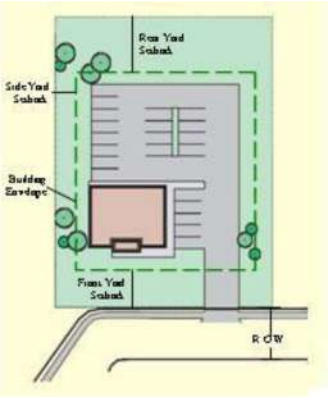
Commercial Uses

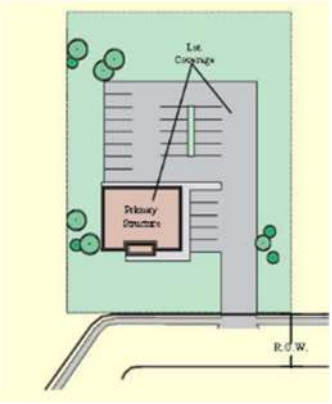
- Cemeteries
- Mass Assembly Centers and Grounds (Section 3.2.24)

C1 – Neighborhood Commercial District

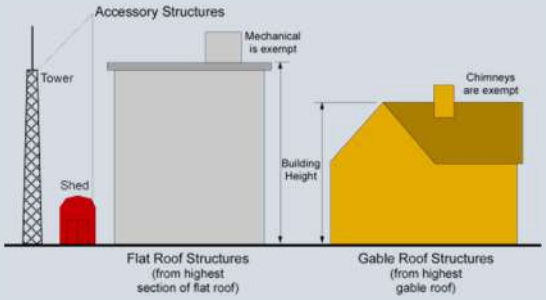
District Standards







LOT DIMENSIONS	YARD SETBACKS	OTHER REQUIREMENTS
Minimum Lot Area: • 10,000 sq. ft. **Minimum Lot Width:** • 60 feet **Maximum Lot Depth:** • None **Minimum Lot Frontage:** • 100% of the lot width	**Minimum Front Yard Setback:** • 50 feet **Minimum Side Yard Setback:** • 10 feet • 30 feet for corner lots **Minimum Distance Between Buildings:** • 20 feet **Minimum Rear Yard Setback:** • 20 feet	**Maximum Lot Coverage:** • 70 percent



Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.9 C2 – General Commercial District.

C2 – General Commercial District

District Intent

The intent of the C-2 district is to provide locations for a wide variety of retail and service uses and wholesale establishments to satisfy the common and frequent needs of residents in large sections of the county and of the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial convenience centers, neighborhood or community shopping centers, and/or developed sections along roads with a classification of minor arterial.

Permitted Uses and Conditional Uses

Permitted Uses

Commercial Uses

- Any use permitted in the C1 district
- Ambulance service
- Automobile broker (No vehicle storage)
- Automobile wash/ wax centers
- Automobile rental and leasing facilities
- Automobile service repair stations providing minor repair
- Bowling alley, billiard hall, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation
- Cigar bars, hookah lounges
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Dancing schools and other group instruction
- Department store
- Furniture store
- Health services clinic or hospital
- Pawn shops and second-hand stores, including apparel, music, movies, gaming, and books

Permitted Uses cont.

- Pet shops
- Restaurants, including drive-through establishments
- Retail warehouses/ wholesalers providing sales of merchandise with no outdoor storage
- Sporting field and complexes
- Stationery, office supply, and equipment stores
- Tattoo shops
- Used appliances stores
- Vape shops

Public/ Institutional

- Municipal, County, State or Federal buildings
- Public School K-12

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower
- Radio tower

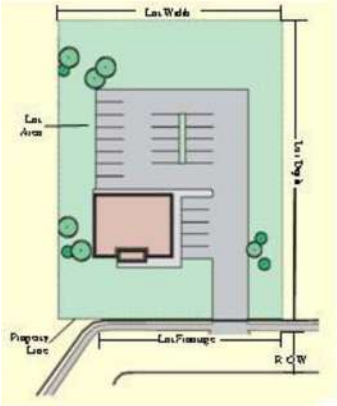
Conditional Uses

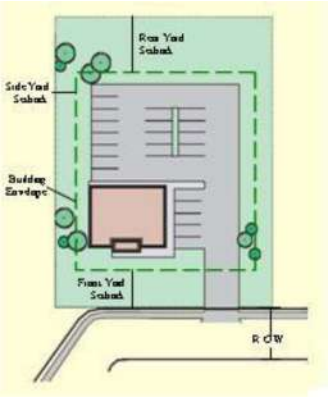
Commercial Uses

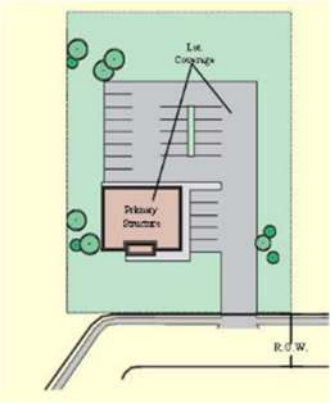
- Automobile gasoline sales
- Building and lumber supply establishments, providing that there is not outside storage of materials or equipment
- Funeral home, mortuaries, and crematoriums
- Greenhouses and nurseries including landscape service
- Mass Assembly Centers and Grounds (See Sections 3.2.24 and 3.1 - Use Table)
- Trade shops, including electrical plumbing, heating/ cooling, and roofing siding, having no outside storage
- Veterinary clinic

C2 – General Commercial District

District Standards







LOT DIMENSIONS

Minimum Lot Area:
- 10,000 sq. ft.

Minimum Lot Width:
- 100

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:
- 50 feet

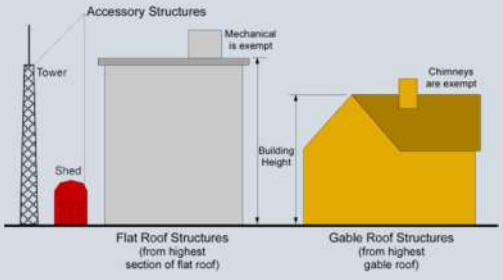
Minimum Side Yard Setback:
- 10 feet
- 30 feet for corner lots

Minimum Distance Between Buildings:
- 20 feet

Minimum Rear Yard Setback:
- 20 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 70 percent



Maximum Structure Height:
- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.10 C3– Heavy Commercial District.

C3 – Heavy Commercial District

District Intent

The intent of the C-3 district is to provide distinct areas for commercial activities which provide products and services that require locations along major arterial roads, highway intersections, and freeway interchange areas, due to their generation of heavy traffic or their need to transport and display heavy bulk materials, and which provide services that would not be appropriately located in areas providing neighborhood or other commercial retail and service activities. Uses in this district shall be located on roads having a minimum classification of major arterial.

Permitted Uses and Conditional Uses

Permitted Uses

Commercial Uses

- Any use permitted within the C2 district
- Automobile brokers
- Automobile gasoline sales
- Automobile service repair stations providing major repair
- Building and lumber supply establishments
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Department store
- Farmers market
- Mini-warehouses and storage buildings without outdoor storage
- Office uses are permitted only when they are associated with other permitted uses.
- Retail warehouses/ wholesales, including outside storage
- Recreational vehicle/ boat sales and service
- Trade shops, including electrical plumbing, heating/ cooling, and roofing/ siding, having no outside storage
- Tattoo shops
- Used appliances stores

Permitted Uses cont.

Public/ Institutional

- Municipal, County, State or Federal buildings
- Public School K-12

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower
- Radio tower

Conditional Uses

Commercial Uses

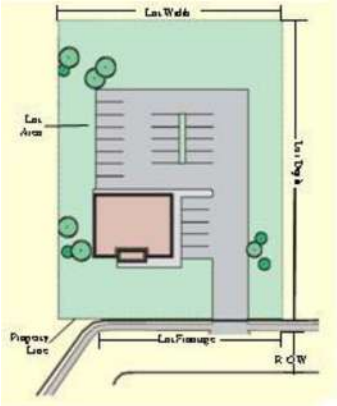
- Automobile sales (New and Used dealerships),
- Mass Assembly Centers and Grounds (See Sections 3.2.24 and 3.1 - Use Table)

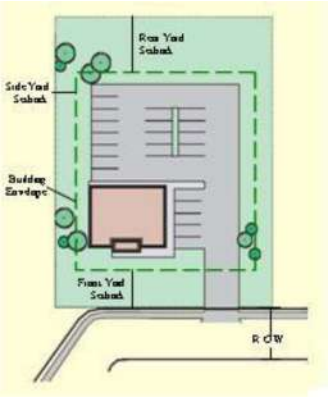
Accessory Uses

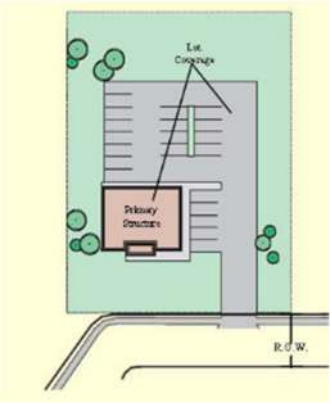
- Gate and Security buildings
- One (1) dwelling unit may be established for security personnel, management personnel, or the facility owner for a warehouse/self-storage facility

C3 – Heavy Commercial District

District Standards







LOT DIMENSIONS

Minimum Lot Area:
- 10,000 sq. ft.

Minimum Lot Width:
- 100

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width

YARD SETBACKS

Minimum Front Yard Setback:
- 70 feet

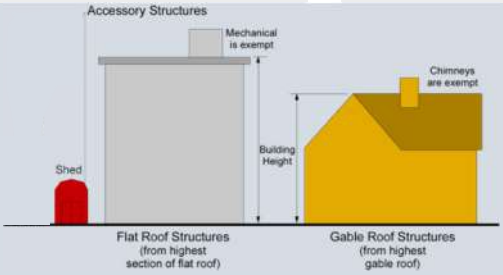
Minimum Side Yard Setback:
- 10 feet
- 30 feet for corner lots

Minimum Distance Between Buildings:
- 20 feet

Minimum Rear Yard Setback:
- 30 feet

OTHER REQUIREMENTS

Maximum Lot Coverage:
- 70 percent



Maximum Structure Height:
- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

2.4.11 LI – Light Manufacturing District.

LI – Light Industrial District

District Intent

The intent of the Light Manufacturing district is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets, or within industrial parks having access to such thoroughfares

Permitted Uses and Conditional Uses

Permitted Uses

Industrial and Warehousing

- Agricultural implementation and equipment establishments
- Armory and equipment sales
- Automobile service repair stations providing major repair
- Building materials and lumber supply establishments
- Business distribution centers
- Business parks
- Clinics, cafeterias, employee credit unions and recreational facilities for employees only
- Commercial parking garages and lots
- Computer and data processing services
- Fabrication shops
- Commercial Greenhouses and plant nurseries, including landscaping services
- Manufacturing, compounding, processing or assembling food or consumer goods
- Self-storage facilities
- Newspaper and printing plants
- Nonprofit Fraternal Organizations and Clubs
- Professional offices and administration buildings, when they are associated with another permitted use (excluding office parks)

Permitted Uses cont.

Industrial and Warehousing

- Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric generating plants
- Repair, reconditioning, and manufacturing activities which are nuisance-free and which do not generate hazardous wastes
- Research, experimental, or testing laboratories
- Trade shops, including electrical, plumbing, heating/ cooling, and roofing
- Trade/ industrial/ vocational schools
- Wholesale business, warehouse, distribution, and similar non processing storage and distribution uses

Public/ Institutional

- Municipal, County, State or Federal buildings

Permitted Uses cont.

Communications/Utilities

- Radio tower
- Wireless Telecommunications
- Transit park-and-ride lot
- Utility substation
- Water tower

Conditional Uses

Commercial Uses

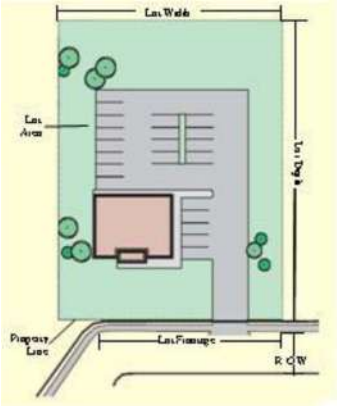
- Bowling alley, billiard hall, indoor archery and firearm range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation
- Outdoor amusement parks
- Lodges and event facilities

Accessory Uses

- Gate and Security buildings
- One (1) dwelling unit may be established for security personnel, management personnel, or the facility owner for a warehouse/self-storage facility
- Outdoor Storage

LI – Light Industrial District

LOT DIMENSIONS



Minimum Lot Area:

- 30,000 sq. ft.

Minimum Lot Width:

- 100 feet

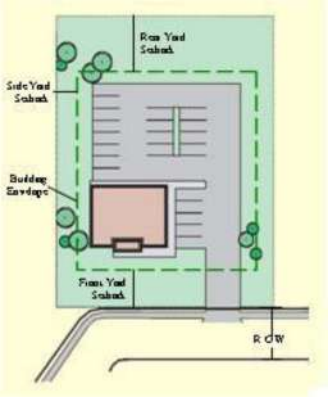
Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width

YARD SETBACKS



Minimum Front Yard Setback:

- 70 feet

Minimum Side Yard Setback:

- 10 feet
- 30 feet for corner lots

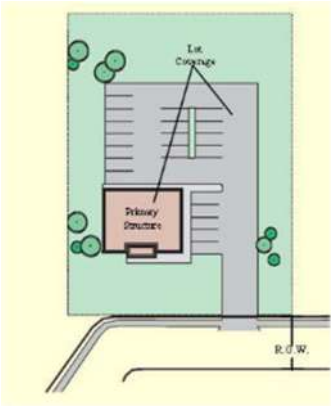
Minimum Distance Between Buildings:

- 20 feet

Minimum Rear Yard Setback:

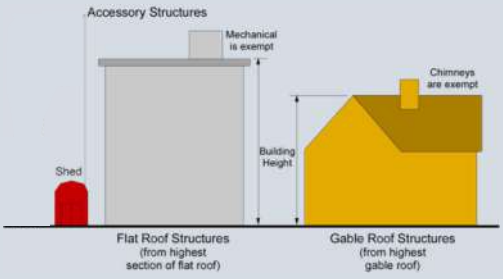
- 20 feet

OTHER REQUIREMENTS



Maximum Lot Coverage:

- 50 percent



Maximum Structure Height:

- 60 feet for the Primary Structure
- 60 feet for Accessory Structures

2.4.12 HI – Heavy Industrial District.

HI – Heavy Industrial District

District Intent

The intent of the Heavy Manufacturing district is to provide for the broadest range of industrial operations permitted in the city. It is the district for the location of those industries which have not reached a technical stage which renders them to be free of all nuisance factors. These uses are to be located on either an arterial or major collector street, or, when they are located within an industrial park, shall have access to such thoroughfares.

Permitted Uses and Conditional Uses

Permitted Uses

Industrial and Warehousing

- Any use which is permitted in the Light Industrial (LI) district
- Agriculture crop processing and storage (of materials produced off-site)
- Asphalt manufacturing
- Building materials and lumber supply establishments
- Blast furnace, steel furnace, blooming, or rolling mill
- Brick, tile, and terra-cotta manufacturing
- Cement, lime, gypsum, or plaster of paris manufacturing
- Chemical storage or manufacturing
- Heating and electric power generating plants and all necessary uses
- Lumber yard for wholesaling of building products
- Machine and machine tool manufacture
- Petroleum or inflammable liquids, production, refining, or storage
- Poultry killing, plucking, and processing
- Railroad spurs and yards
- Railway lines, passenger depots, intermodal facilities, and rail yards

Permitted Uses cont.

Industrial and Warehousing cont.

- Recycling centers for collection or processing
- Rock, sand or gravel distribution or storage
- Sawmills
- Salvage and junkyards
- Sheet metal products
- Smelting of copper, iron, zinc, or ore
- Tinsmith/roofing operations

Public/ Institutional

- Municipal, County, State, or Federal buildings

Communications/Utilities

- Radio tower
- Transit park-and-ride lots
- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Industrial and Warehousing

- Airports, heliports, and landing areas
- Alternative Energy production other than solar systems
- Radio/television transmission towers over thirty-five (35) feet high.
- Asphalt and concrete batching plants.
- Central mixing plants for cement, mortar, plaster or housing materials.
- Development of natural resources, including the removal of minerals (such as rock quarries) and natural materials, together with necessary buildings and machinery
- Sanitary landfills
- Truck, trailer, tractor sales and service
- Truck trailer storage lots and trailer drop lots
- Truck stops
- Truck terminals
- Towing, wrecking, and Impound service

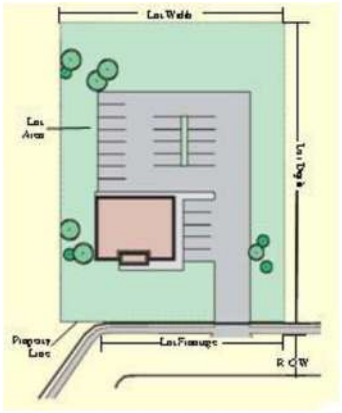
Accessory Uses

- Gate and Security buildings
- One (1) dwelling unit for security personnel, management personnel, or the facility owner for a warehouse /self-storage facility
- Outdoor Storage

HI --Heavy Industrial District

District Standards

LOT DIMENSIONS



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 150 feet

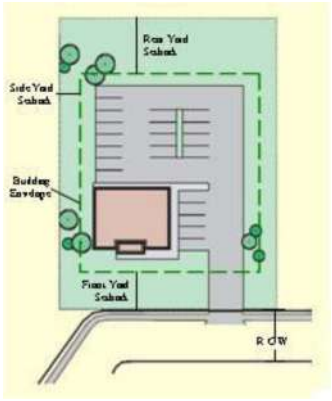
Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width

YARD SETBACKS



Minimum Front Yard Setback:

- 70 feet

Minimum Side Yard Setback:

- 10 feet
- 30 feet for corner lots

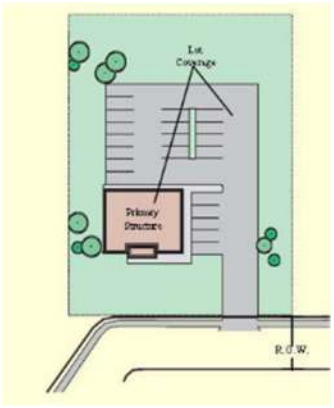
Minimum Distance Between Buildings:

- 20 feet

Minimum Rear Yard Setback:

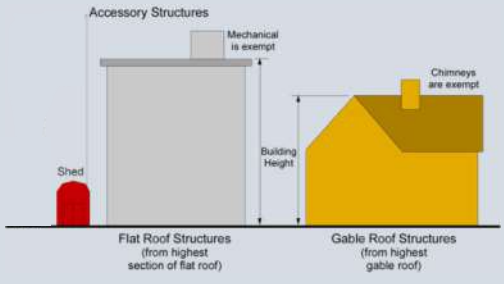
- 40 feet

OTHER REQUIREMENTS



Maximum Lot Coverage:

- 50 percent



Maximum Structure Height:

- 75 feet for the Primary Structure
- 60 feet for Accessory Structures

2.4.13 PUD– Planned Unit Development District.

PUD – Planned Unit Development District

District Intent

The intent of the Planned Unit Development district is to:
1) Allow the development of balanced neighborhoods containing physical, economic, and social assets which are difficult to achieve through the traditional separation of use and density zones;
2) Provide an appropriate district for mixed-use developments; and
3) Allow flexibility in design for environmentally challenged properties.

New developments may contain two or more types of uses. Traditional single-family detached subdivisions are envisioned to be in Suburban Residential Districts instead of PUD districts, unless an unusual site design is proposed (such as cluster housing) or the physical characteristics of the property necessitate flexibility in the site design. Traditional multifamily developments are similarly envisioned to be in a Multiple Family Residential district rather than in a PUD district.

This is accomplished by allowing the applicant the freedom necessary to protect natural resources, to protect and improve the social and economic environment; and to protect the investment of both the City and the community within the development.

In designing a PUD development, special attention should be focused on the arrangement of buildings and other improvements for the orderly function and aesthetics, the preservation of open space for the use of residents and workers in the development, the variety of housing types and densities necessary to achieve a balanced neighborhood, and the provision of a pedestrian environment separate from the vehicular environment.

Permitted Uses, and Conditional Uses

Permitted Uses

Residential

- Single family residence
- Duplex
- Triplex
- Quadraplex
- Apartments
- Townhouses
- Condominiums
- Residential dwellings on upper floors
- Nursing Homes, Assisted Living, and Hospice Care Facilities

Retail and Business Uses

- Any use permitted in the OI, C-1, and C-2 district

Permitted Uses cont.

Public/ Office/ Institutional

- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Municipal, County, State or Federal buildings
- Parks, recreation, and amphitheaters

Communications/Utilities

- Wireless Telecommunications
- Utility substation
- Water tower

Conditional Uses

Any proposed use subject to the approval by the City Council.

Accessory Uses

Residential

- Accessory dwellings
- Home occupation, except family day care
- Short term rental

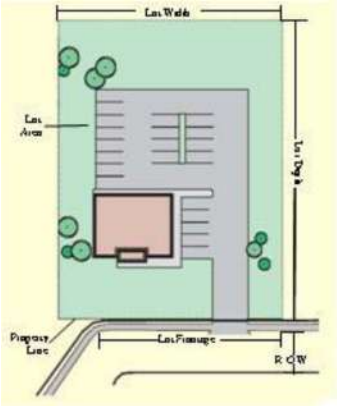
Prohibited Uses

- Automobile service, major repair
- Automobile sales and truck sales
- Automobile rental and leasing facilities
- Pawn shops

PUD – Planned Unit Development District

District Standards

LOT DIMENSIONS



Minimum Lot Area for Development:

- 3 acres

Minimum Lot Width for Development:

- Determined by approved concept plan

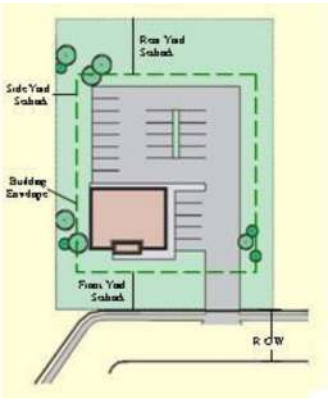
Maximum Lot Depth:

- Determined by approved concept plan

Minimum Lot Frontage:

- Determined by approved concept plan

YARD SETBACKS



Minimum Front Yard Setback:

- Determined by approved concept plan

Minimum Side Yard Setback:

- Determined by approved concept plan

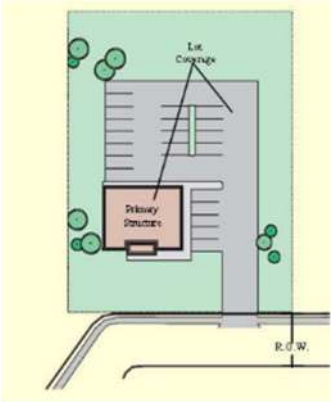
Minimum Distance Between Buildings:

- Determined by approved concept plan

Minimum Rear Yard Setback:

- Determined by approved concept plan

OTHER REQUIREMENTS



Maximum Lot Coverage:

- Determined by approved concept plan

Minimum Open Space:

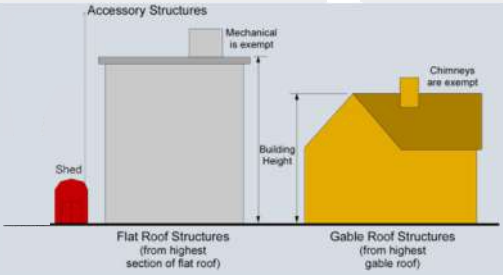
- 20 percent

Maximum Density:

- Determined by approved concept plan

Minimum Living Area:

- Determined by approved concept plan



Maximum Structure Height:

- 100 feet for the Primary Structure
- 25 feet for Accessory Structures

2.4.14 PUD– Planned Unit Development District Design Guidelines and Procedures.

A. Definitions: The definitions of various terms, as they apply to the PUD District, are provided below.

Master Development Plan. A written in graphic submission for a plan development which represents attractive land, purpose, subdivision, the location in bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants related to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PUD district.

Open Space. Land within or related to a development, which is not individually owned or delegated for public use, which is designed and intended for the common ownership and use by the residents of development plan. It may include complementary structures and improvements, as are necessary and appropriate.

Residential Land Uses. Any variety of residence types as permitted within respective separately zoned areas of the PUD, and as shown on the approved master development plan.

Nonresidential Land uses. Those designated areas which are not residential land uses, which includes, but are not limited to the following: commercial or industrial zones, common open space, private streets, service drives in parking areas, recreation space, and other open space areas.

Ownership Types. These consist of all types of residential development, including but not limited to, single family, duplex, triplex. quadraplex, apartments, townhouses, and condominiums. Ownership may be fee simple, lease purchase, leased, or rented with a common ownership of open spaces recreation facilities streets and parking areas.

Net Land Area. The area that is calculated in terms of net acres, or the land that is devoted to residential, commercial, or industrial use, exclusive of street rights-of-way, flood hazard areas, and public lands.

Maximum Allowable Net Density. The total number of dwelling units or housing structures per unit of land, based on net land area.

Preliminary Concept Plan. A preliminary plan of the proposed plan development of sufficient accuracy to be used for purpose of reviewing the proposed land uses in general layout.

Comprehensive Plan. The City of Stockbridge's adopted Comprehensive Plan 2018-2038. It is a long-range plan containing policies to guide the growth and development of the City, which includes the analysis, recommendations, and proposals for the City of Stockbridge's population, economy, housing, transportation, community facilities, and land use.

Professional Consultant. The person who is a registered and/or certified engineer, architect, or planner who prepared the plan within the scope of their respective legal responsibilities.

A. General requirements for a Planned Unit Development District:

1. **Area**. The minimum area that is required for a PUD district shall be three (3) contiguous acres of land.
2. **Uses**. Each PUD final development plan must include at least two (2) different uses and/or two (2) types of varied housing options.

B. Application procedure:

1. Preliminary concept plan review. Before an application for rezoning to the PUD zoning district is authorized, the applicant shall submit a preliminary concept plan for review by the Community Development Department.

C. Required information: The preliminary concept plan shall include the following information:

a. Planned unit development name.
b. The owner and developer of the property.
c. Architect, engineer, or planner who designed the plan.
d. Location or orientation map of the property.
e. Legal description of the parcel.
f. Date, scale, and north arrow.
g. Acreage in the total tract.
h. Topography at ten-(10) feet contour intervals.
i. Proposed land uses and net acreage in each type.
j. Proposed street layout.
k. Proposed lot layout.
l. General location of proposed buildings to be used for commercial, recreational, or public facility uses**.**
m. Proposed buffers, open space, and natural environmental features, such as surface drainage and open water.
n. Proposed amenities.

D. Official rezoning. Following the preliminary concept plan review and approval by the Community Development Department the applicant of the PUD project shall apply for rezoning.

E. PUD Master Development Plan Approval Request. A master development plan which incorporates the comments and modifications made by the Community Development Department in its review of the preliminary concept plan shall be submitted with the application for rezoning. The master development plan shall include the following information:

1. A site plan for the complete development project, which is drawn to a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. The plan shall include information that is contained on the preliminary concept plan, as well as any and all modifications that were previously made by the Planning Commission. The plan shall include one (1) or more sheets, as necessary, to accurately show the following information:
   a. **Property information**:

i. Planned development project name.
ii. Owner and developer of the property.
iii. Architect, engineer, or planner who designed the plan.
iv. Date, scale, and north arrow.
v. An area map showing adjacent property owners, the zoning classifications of adjacent parcels, and existing land uses within five hundred (500) feet of the property for the PUD project.
vi. A legal description of the parcel.

b. **Existing conditions**:
i. Existing topographical features of this site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.
ii. Soil conditions according to the U.S. Soil Conservation Service classification for Henry County. (including the City of Stockbridge).
iii. The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.
iv. The location and extent of any aircraft approach zones over the subject PUD property.
v. The location of any existing property lines within the parcel; railroads; utility right-of-way or easements; and existing buildings and structures.
vi. Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, or bridges in underground or above- ground facilities within the parcel to be developed; or within the right-of-way of roads bordering the parcel, with sizes, grades, and an invert elevation from field surveys or other sources.

c. **Proposed development conditions**:
i. Phases of the proposed development.
ii. The location and extent of the proposed interior road system, including pavement and right-of-way width.
iii. Delineations of the proposed residential uses, including the location of residential land uses and dwelling unit types, the total number of dwelling units, the total number of lots, and the percentage allocation by dwelling unit type.
iv. Proposed layout and dimensions of lots within each proposed residential zoning district.
v. Calculation of residential density in dwelling units per net acres by proposed dwelling unit type.
vi. The delineation of proposed nonresidential areas, including the lot layout and dimensions, as well as the general location of the proposed buildings.
vii. The interior common open space system.
viii. Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.

ix. Proposed improvements to existing community facilities, including roads, sewers, drainage facilities, and water facilities adjoining or near the site.

d. **A written report shall be submitted by the applicant which contains the following information concerning the master development plan**:

i. General description of the proposal.

ii. Proposed standards for development, including restrictions on the use of the property, density standards, yard requirements, and restrictive covenants.

iii. Proposed dedication or reservation of land for public use, including streets, easements, parks, and school sites.

iv. Exceptions or variations from the requirements of the zoning ordinance and subdivision ordinance, if any, the area that is being requested.

v. Plans for the provision of the utilities, including water, sanitary sewer, and drainage facilities, as well as appropriate calculations regarding the sizing of drainage areas and pipes.

vi. A report from the Henry County Water and Sewerage Authority or municipal authority as appropriate indicating the adequacy of sanitary sewer and water services.

vii. Plans for the protection of abutting properties.

viii. Plans for the maintenance of common open space areas.

ix. A table showing the total number of acres in the proposed development and the percentage that is designated for each type of proposed land use, including public facilities. Information should be provided in net acres.

x. Tabulations of the overall net density for residential uses.

xi. An explanation of phasing or stages of the PUD project.

xii. Adequacy of an arrangement of vehicular traffic access and circulation, including intersections, roadway widths, and traffic controls.

xiii. Adequacy of an arrangement of pedestrian traffic access in circulation, including separation of pedestrians from vehicular traffic and pedestrian convenience.

xiv. Location and arrangement of off-street parking and loading.

xv. Location, arrangement, size, and placement of buildings, lighting, and signs.

xvi. Plan development projects for which two thousand (2,000) or more average daily vehicle trips will be generated, and/or for which at least twenty thousand (20,000) gallons per day of sewage treatment plant capacity will be required, must submit with the application an environmental impact report. The report shall follow the format which is used by the Community Development Department. The report shall objectively discuss the positive and negative impacts of the proposed development on land uses; on public water and sewerage facilities; on traffic patterns volumes and road improvements; on storm drainage facilities and school enrollments; on the tax base (economic base); on natural vegetation and wildlife habitat; and on area appearance and aesthetics. The report shall be prepared by a professional consultant.

e. **Review of application**. In reviewing the application for PUD preliminary development plan approval and zoning approval, the Planning Commission and City Council shall consider those items which are listed in Chapter 9 concerning zoning map amendments.

f. **The consideration of a PUD district approval or disapproval and master development plan shall also include, but not limited to, the following**:

1. The relationship to the Comprehensive Plan.
2. The adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, and traffic controls;
3. The adequacy of an arrangement of pedestrian traffic access in circulation including separation of pedestrian from vehicular traffic, and pedestrian convenience;
4. The location, arrangement, appearance, and sufficiency of off-street parking and loading;
5. The location, arrangement, and size in the placement of buildings(s), lighting, and signs;
6. The arrangement of landscape features and buffer areas;
7. The adequacy of public water supply;
8. The adequacy of storm water and sanitation waste disposal facilities; and
9. The adequacy of structures, roadways, in areas with moderate to high susceptibility to flooding and ponding and /or erosion.

F. Modifications.

a. **Minor modifications**. The Community Development Director shall have the authority, in the administration of the PUD, to approve minor modifications of the master development plan without a public hearing in a manner that is consistent with the purpose or intent of the overall development. Minor changes are those which implement only slight alterations to the approved site design layout; which are made necessary by actual field conditions at the time of development; or which do not alter the impact of the development on nearby properties, nor the intent or integrity of the conditions as they were originally imposed. Any request for a minor change of the master development plan shall be made in written form to the Director. Furthermore, the request for a minor change shall be accompanied by copies of the revised master development plan.

b. **Major modifications**. Any major change to the site plan, or to conditions that were attached to an approved master development plan, shall require an application and hearing before the Planning Commission and the City Council, as is required within Section 2.4.14(E). Without limiting the meaning of the phrase, the following are examples of what constitutes a "major change" for purposes of interpreting this section:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property; if this causes an encroachment upon the required yard setbacks;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;

3. Any change in any buffer requirement(s) that were imposed in the original conditional zoning amendment;
4. Any increase in the height of any building or structure; or
5. Any change in the proportion of floor space that is devoted to different authorized uses.

2.5 Establishment of Overlay Districts.

2.5.1 Generally.

A. These districts are superimposed on portions of one or more underlying zoning districts that allow application of additional standards to accomplish a special purpose, for promoting the aesthetics of the City for the general public and the existing residents.

B. *Relationship to Underlying Zoning District Standards and Other Provisions of Unified Land Development Code.* In any case where the standards and requirements of the overlay district conflict with those of the base-zoning district or with other provisions of the unified land development code, the standards and requirements of the overlay district shall govern.

C. Application. Overlay districts are supplemental to the underlying zoning district classifications established in the City's Unified Land Development Code governing all properties and approvals within this overlay district. The provisions of this section shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other City ordinances. The Community Development Director or designee is authorized to promulgate and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable to give effect to the provisions of this section.

D. Exceptions. The provisions of this section shall not apply to the following:

1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of adoption of the ordinance from which this section is derived for those parcels not previously covered within the highway overlay district.

2. Improvements and additions that are made to a single-family residence that was previously permitted and built on a lot of record prior to enactment of the ordinance from which this section is derived for those parcels not previously covered within the overlay district.

3. Construction of a single-family dwelling on an existing lot of record within a single-family residential subdivision with a final plat that was approved prior to the enactment of the ordinance from which this section is derived, for those that were parcels not previously covered within the overlay district, provided that the new construction shall be of a similar floor area, materials, and design as the single-family dwellings on adjacent lots in the same subdivision.

4. Construction, rehabilitation, restoration, repair of a nonresidential structure, interior renovations, or interior finishes within an existing structure, or addition to an existing nonresidential structure that was permitted prior to the enactment of the ordinance from which this section is derived for those parcels that were not previously covered within the Parkway Mixed Use Overlay District shall not be subject to the provisions of the Parkway Mixed Use Overlay District, provided that such construction is on a lot of record and does not

affect a change to more than twenty (20) percent of the existing permitted structure or five thousand (5,000) square feet, whichever is less.

2.5.2 PMU – Parkway Mixed Use Overlay District

A. **Purpose.** The purpose of the Parkway Mixed Use Overlay District is:

1. To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play.
2. To promote economic development by diversifying the employment base for a stronger City.
3. To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.
4. To encourage a balanced mix of retail, professional, residential, civic, entertainment, and cultural uses.
5. To improve the efficient operation of traffic around the City.
6. To provide accessible, sufficient parking in an unobtrusive manner.
7. To create an attractive gateway that is aesthetically appealing and environmentally responsible.
8. To encourage innovative development projects that set standards for landscaping, open space, community design, and public amenities.
9. To establish consistent and harmonious design standards for public improvements and private property development within the overlay district so as to unify the distinctive visual quality of the City.

B. **Applicability.**

A. These regulations of the Parkway Mixed Use Overlay District pertain to all properties which have frontage on one or more streets that are identified in the “Boundaries” paragraph.

B. The previous “Highway 138 Overlay District” has been eliminated as a separate district, but its regulations are merged into this revised Parkway Mixed Use Overlay District.

C. The previous “High-Rise Mixed-Use Overlay District” has been eliminated as a separate district and the two mapped areas which comprised that district are no longer recognized. However, the regulations of the High-Rise Mixed-Use Overlay District which applied specifically to high-rise buildings (defined as having five (5) or more totally above-ground floors) and/or mixed-use buildings are now merged into this revised Parkway Mixed Use Overlay District. Any high-rise buildings and/or mixed-uses which are located in the Parkway Mixed Use Overlay District shall meet the associated additional standards which previously comprised the High-Rise Mixed-Use Overlay District.

D. These regulations of the Parkway Mixed Use Overlay District shall take precedence over the regulations of all other districts, including the base zoning districts and any other type of overlay district.

E. Boundaries. The boundaries for the overlay are designated on the Overlay District Map.

C. **Permitted Uses**. Any combination of uses permitted in C1, C2, OI, CCR, and MFR are permitted in the overlay district.

D. **Prohibited Uses.**

1. Adult entertainment establishments
2. Ambulance service
3. Automobile broker (No vehicle storage)
4. Automobile wash/ wax centers
5. Automobile rental and leasing facilities
6. Automotive service repair and maintenance facilities (minor or major)
7. Building and lumber supply establishments, providing that there is not outside storage of materials or equipment
8. Daycare centers
9. Funeral home, mortuaries, and crematoriums
10. Gasoline service stations
11. Greenhouses and nurseries including landscape service
12. Hookah bars/lounges and cigar bars/lounges
13. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers
14. Restaurants with drive through facilities and/ or windows
15. Retail warehouses/ wholesalers providing sales of merchandise with no outdoor storage
16. Rooming and boarding houses
17. Self-service storage, mini-warehouses, or warehousing and storage
18. Tattoo and piercing parlors
19. Trade shops, including electrical plumbing, heating/ cooling, and roofing siding, having no outside storage
20. Truck terminals, truck trailer storage lots, truck repair, and all industrial uses.
21. Vape stores
22. Veterinary clinic

E. **Architectural Standards.** The following design guidelines and standards apply to all newly-constructed buildings used for commercial, industrial, or residential purposes.

1. The use of a common palette of building materials should be maintained in the Department of Community Development for building facades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors. For large commercial/retail buildings and multifamily buildings, variations in facade, roofline, and depth should be provided to lend the appearance of multitenant occupancy. All design and construction shall be subject to architectural review by the Community Development Director or its designated architect to ensure adherence with this subsection and the structures of traditional architecture.
2. All ground or roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by an opaque wall or fence made of brick, stucco, split face block, or landscaping.
3. For all commercial buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.
4. Contrasting accent colors on any single facade shall be limited to no more than ten (10) percent of the total wall area for any single facade.
5. Permanent mounted exterior neon lights shall not be allowed.
6. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.
7. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.

8. Building Materials.

a. The "Allowed Building Materials Table" below and this subsection outlines allowed building materials that may be used and combined to create a consistent, attractive, interesting and long-lasting building design:

ALLOWED BUILDING MATERIALS TABLE

Brick OR Stone	Glass	Tilt/ Pre-Cast	Stucco	Concrete Blocks	CMU/Split-Face Block	Cementitious Fiberboard	Metal	Tile
Minimum 50% per façade	Yes	No	Maximum 50% per facade	No	Maximum 10% per facade	No*	No	No
Note: *Allowed for residential buildings. Buildings must have a minimum 4:12 roof pitch.								

9. Allowed Building Materials.

a. Brick, except that brick veneers that are intended to simulate brick exteriors are not acceptable;

b. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;

c. Split-face block/concrete masonry unit (CMU) is restricted to ten (10) percent of the surface area of the facade;

d. Tilt/architectural pre-cast concrete is not allowed;

e. High-grade stucco is restricted to fifty (50) percent of the surface area of a facade;

f. Natural wood and/or cementitious fiberboard siding are allowed only for residential buildings;

g. Glass;

h. Exposed concrete block, metal, and tile are not allowed as building materials on a facade.

F. Building Standards

1. Height requirement: Maximum building height twenty (20) stories; minimum of two (2) stories; the first finished floor level being level with sidewalk grade.

2. At least the first floor (sidewalk grade) of residential buildings in the overlay district are required to be commercial space.

3. Maximum residential density shall not exceed forty-five (45) dwelling units per acre. Additional density may be permitted per the bonus density requirements below.

a. The Director may administratively grant a density bonus based on the amenities which are provided in the development. An increase in density up to 60 units per an acre may be permitted if two or more amenities are provided and an increase in density up to 90 units per an acre may be permitted if four or more amenities are provided.

b. Amenities may include, but are not limited to, indoor or outdoor swimming pool facilities, gym/workout space, community space, outdoor public space, parks and playgrounds, or walking/hiking/biking trails or other approved by Director of Community Development.

4. The impervious surface area shall not exceed eighty-five (85) percent of the lot area.

G. Streetscape Design Standards. The streetscape along the major highways shall be divided into three (3) distinct zones consisting of a building frontage zone, pedestrian travel zone, and fixtures/planting zone. The widths of each zone shall be as provided below:

1. Building frontage zones are encouraged to provide outdoor activities and gathering areas and may be permitted at varying widths between five (5) and twenty (20) feet wide.

2. Pedestrian travel zones shall be a minimum of ten (10) feet wide, paved in concrete, and kept clear and unobstructed for the safe and convenient use of pedestrians.

3. Fixtures/planting zones shall be a minimum of ten (10) feet wide and planted with grass, ground cover or flowering plants. Within the fixtures/planting zone:

a. Sidewalk benches shall be placed in front of retail locations at a maximum distance of five hundred (500) feet from one another.

b. Trash receptacles shall be placed at street intersections and at a maximum of five hundred (500) feet apart from one another.

c. Bicycle racks should be located at a maximum distance of two hundred fifty (250) feet apart.

d. Pedestrian-scale lighting should be incorporated along all pedestrian paths and shall be placed a maximum of every forty (40) feet on center.

H. Site Design Standards. All development in this district must meet the following minimum site design standards.

1. Parking must be located to the rear or side of buildings, where feasible.

2. Parking lots shall be directly connected to a sidewalk leading to the main entrances of all buildings on the site, and they shall include marked crosswalks across interior driveways and vehicular aisle.

3. The Community Development Director may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided, and a shared parking analysis demonstrates that adequate parking will be provided. The process for determining the minimum parking requirements for a mixed-use development or for contiguous properties containing multiple uses is:

a. Determine the minimum number of parking spaces required for each use category from Section 4.8.5 Parking and Loading Space Standards.

b. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.

c. Total the number of parking spaces for each of the time periods (add together the numbers in each column).

d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.

e. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off-street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

	WEEKDAYS		WEEKENDS	
USE	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

4. Access.

   a. Adjoining properties shall be encouraged to share curb cuts to reduce interruptions to the sidewalks.

   b. Properties that are adjoining are required to have curb cuts to adjacent properties to create a connection between the two (2) properties. This keeps traffic off the main road and increases the likelihood that a customer will only have to look for a parking space once, if desired.

5. Landscaping/Buffering.

   a. At least thirty percent (30%) of the paved surface area of each surface parking lot shall be shaded by mature landscaping within five (5) years of construction to provide a cool environment.

   b. The area between a parking lot and the public ROW shall have a boundary strip of at least five (5) feet. Trees within the boundary shall be planted a maximum of forty (40) feet on center, and no boundary shall have less than one (1) tree. A brick or stone wall thirty (30) inches tall, or shrubs maintained at a minimum mature height of twenty-four (24) inches and a maximum height of thirty (30) inches, shall be provided within the strip.

   c. All areas along the corridor which are not developed with buildings or prepared surfaces for parking, circulation, utilities or the like, shall be landscaped and maintained with ornamental plantings. These plantings should be native or drought-tolerant plants to minimize the need for irrigation. Green fields and wooded areas should be left as they are, until they are developed into another use. Paved areas of the site shall be limited in size to the area that is required to accommodate the intended use.

6. Exterior Lighting.

   a. Decorative lighting must be provided at all entrances, pathways, parking areas, and recessed areas.

   b. All exterior lighting fixtures shall use full cutoff luminaires to reduce both energy usage and glare, as well as prevent light pollution.

   c. Lighting shall be pointed at the ground or the building directly to prevent glare onto neighboring areas.

   d. Light fixtures, light pole bases, and poles, shall be consistent with each other, with the architecture of buildings (if any), and/or with the nearby street lighting.

7. Building Orientation.

   a. The required building setbacks of the underlying zoning district may be reduced in order to encourage new commercial buildings to develop closer to the street.

b. Buildings may be set back further to allow for an appropriate building frontage zone which may include balconies or steps, public plazas, outdoor dining areas, or additional landscaping.

c. Corner lots should be oriented to the corner and be used to create focal points at the four (4) corners of major street intersections.

d. When buildings are located adjacent to existing commercial developments that are set further back, a step-back design may be utilized to transition to the desirable setback pattern, reducing excessive variation.

I. Building Service Elements.

1. Mechanical or utility equipment, including utility meters, shall be screened from public view.

   a. The method of screening may be architecturally integrated with the structure in terms of materials, color, shape, and size in such a manner that the equipment is not visible from street level.

   b. Vegetation and landscaping may be used to screen on-grade elements. Landscaping must be maintained.

2. Refuse containers or dumpsters shall be located in the rear or side yard of a property and shall be screened from view of the public right of way.

   a. Enclosures shall reflect the architecture of the proposed development and shall include walls constructed with appropriate and compatible materials.

   b. The enclosure shall have a minimum height of eight (8) feet, or two (2) feet taller than the highest point of the waste/grease container, compactor, or dumpster, whichever is greater.

   c. Gates shall allow access to refuse containers while denying open views of the contents within.

   d. The use of chain link fencing is not acceptable as concealment of mechanical units or waste/grease containers.

   e. New development shall bury utilities when possible to avoid a visually cluttered streetscape and to promote a more aesthetically pleasing environment.

   f. Rooftop mechanical units or other services and utilities that are located above grade shall be screened from public view. The method of screening can be met by implementing one (1) or more of the following strategies:

      i. Enclosing the utility within a roof that is integrated into the building form;

      ii. Locating the utility within an enclosed mechanical penthouse whose materials and detailing complement the building architecture;

      iii. Locating the utility far enough from the parapet so as to be effectively invisible from adjacent public rights-of way.

J. Entrances.

1. All first story uses shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from the sidewalk.
2. All first-story businesses with more than sixty (60) feet of frontage along sidewalks shall provide one (1) pedestrian entrance for every sixty (60) linear feet of frontage or fraction thereof.
3. Some form of protection is required at all retail frontage along the corridor for relief from inclement weather. This can take the form of awnings, canopies, or other accessory shade structures as may be approved by the Community Development Director.
4. Awnings should be architecturally consistent with the building and be made of durable opaque materials such as cloth or canvas. The use of shiny, high-gloss, translucent materials such as vinyl or plastic is prohibited.
5. The color of awnings shall be compatible with the building facade.
6. The scale of the awning (height, length, depth and overall bulk) shall be compatible with the building storefront.
7. Columns to support canopies are not permitted in the public right of way.
8. Awnings and canopies shall only include signage when such signage is located within an apron that is less than twelve (12) inches in height. They are subject to all other applicable sign requirements of this document.

K. Underground Utilities.

1. Utilities shall be located underground.
2. For all new construction and redevelopment, utilities along public streets must be placed underground. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.
3. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

2.5.3 DTV - Downtown Village Overlay District.

A. Description of District. The Downtown Village Overlay District mainly consists of the Historic City of Stockbridge, and it is delineated on the adopted Zoning Map.

B. Purpose. The purpose and intent of the Downtown Village Overlay District are:

1. To recognize and affirm the function of the existing traditional downtown as the central focus of commercial, artisan, and civic activities within the community.
2. To allow the existing downtown to flourish, intensify, and expand wherever it may be appropriate, in a manner that is consistent with its traditional character.

3. To provide a local retail, service, artisan and civic center for the community.

C. Applicability.

1. These regulations of the Downtown Village Overlay District shall take precedence over the regulations of all other districts, including the base zoning districts and any other type of overlay district.
2. The boundaries for the overlay are designated on the Overlay District Map.
3. The requirements of this district are not intended to apply to existing single-family residences. The requirements for such uses shall be those provided under the appropriate zoning classifications for such uses, except where single-family or multiple family use(s) are/ is located in a building containing another non-residential permitted use in this district.

D. Permitted Uses. The following are permitted uses in the Downtown Village Overlay District:

1. All permitted uses as provided within the Downtown (DT) District.
2. Residential units which are located on upper floors above and/or to the rear of commercial and/or office uses.

E. Conditional Uses. The following are conditional uses in the Downtown Village overlay District:

1. All conditional uses as provided in the Downtown (DT) District.
2. Bed and breakfast establishments.
3. Multi-family residential buildings.
4. Passenger depots and transit shelters.
5. Single-family residences.

F. Prohibited Uses. The following uses are prohibited in the Downtown Village Overlay District:

1. Adult entertainment establishments
2. Boarding and rooming homes
3. Catering establishments
4. Child and adult day care centers
5. Consignment and thrift stores
6. Family day care homes
7. Payday Loan, tittle Loans, money cash exchanges – ensure each has a definition.
8. Places of Worship
9. Public and private schools and related facilities
10. Restaurants with drive through facilities and/ or windows

11. Tobacco & Vape shops, cigar bars, hookah lounges

12. Tattoo and piercing studios

G. Temporary Uses. The following temporary uses are required to seek Special Event approval from the Director of Community Development within the Downtown Village Overlay District. The Director may impose specific calendar dates, times, or relevant conditions to the approval.

1. Carnivals, fairs, and other similar activities of a temporary nature

2. Food trucks and similar temporary vendors.

3. Outdoor recreational and/ or educational opportunities

4. Sidewalk sales

H. Design Standards. All structures, except single-family homes, duplexes, triplexes, and quadraplexes, in this district must meet the minimum structural and architectural design standards that are listed below. These standards apply to new building construction and renovations, remodels, or expansions of existing buildings.

1. Architectural Features and Details. Exterior facades, including eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs shall be proportionate with the building and compatible with surrounding traditional buildings. The scale of new construction, including the arrangement of windows, doors, and other openings within the building facade, shall be compatible with surrounding traditional buildings.

2. Permitted Materials. Exterior surfaces, exclusive of windows and doors, of all buildings shall be faced on three (3) sides with one hundred (100) percent brick and the front side shall be faced with fifty (50) percent brick, stone or stucco. The remainder of the front side may include wood, stone, decorative glass, decorative block, architectural concrete, or precast concrete units, provided that surfaces are molded, serrated, or treated with a textured material in order to give the front side a three-dimensional character. Vinyl, metal, or cement fiber board siding may be used in the eves, soffits and gables of a building.

3. Colors. The colors that are to be used for exterior surfaces, including roofs, shall be harmonious with surrounding development and shall visually reflect the traditional concept of the Old Downtown. Incompatible colors include metallics, neon, and/or primary colors.

4. Prohibited Materials. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, corrugated metal, vinyl, plastic or fiberglass siding. Facia materials which rapidly deteriorate or become unsightly such as galvanized metal or unfinished structural clay tile, are not permitted.

5. Outdoor Dining. Restaurant tables and chairs are permitted in the front setback but shall not be positioned so that their use blocks or requires use of more than two (2) feet of the

sidewalk. Within two (2) hours of the posted closing time, such tables and chairs must be stored inside the primary or accessory building.

6. Mechanical Equipment and Utilities. All mechanical equipment, such as furnaces, air conditioners, elevators, transformers, and utility equipment, whether they are on roofs or mounted on the ground, shall be completely screened from contiguous properties and adjacent streets to be compatible with the architectural treatment of the principal structure.

6. Accessory Structures. All accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

7. Loading and Service Areas. Loading and service areas must be completely screened, except at access points, from the ground level view from contiguous property and adjacent streets.

8. Outdoor Storage. There shall be no outdoor storage of either materials or products.

9. Trash and Recycling. All trash handling, related equipment, and outside areas for holding trash or materials for recycling, shall be completely enclosed and screened and shall be constructed out of materials which are compatible with the architectural treatment of the principal structure.

10. Streetscape. An eight-(8)-feet-wide sidewalk shall be located within the front yard that includes a six (6) feet wide sodded landscape buffer between the street and the sidewalk. The landscaping of these buffer areas shall consist of at least one (1) tree or more as needed to provide a continuous balanced treescape with no greater than forty (40) feet spacing between trees. The exact species and location shall be determined by the Community Development Director to ensure that it does not overly obstruct the view of the store front. Additional vegetation requirements may be required in accordance with Section 4.6 Buffer Requirements and/ or Section 4.7 Landscape Requirements. In addition, one metal trash receptacle and/ or one metal bench should be added at strategic locations throughout the district, as determined by the Community Development Director.

12. Street Lights. Historic style street lamps, approved by the Community Development Director, shall be installed throughout the district

11. Roads. Roadways shall be designed utilizing curb and gutter, in accordance with Title 16, Infrastructure Improvements.

I. Setback and Height Standards:

1. Setbacks:

a. Front yard setback: Minimum of fourteen (14) feet from the curb and may be increased to twenty (20) feet if additional space is landscaped as a garden or outdoor seating or dining area. Entries may be recessed up to twenty-five (25) feet.

b. Side yard setback (each side): Zero (0) feet if attached to or abuts an adjacent building. A minimum of ten (10) feet if the side of building is not attached to or does not abut an adjacent building and a maximum of twenty (20) feet.

c. Rear yard setback: Minimum of twenty-five (25) feet. If located within the historic downtown a minimum of fifty-five (55) feet with at least one (1) row of tree shaded parking.

2. Height requirement: Maximum building height: Four (4) stories or fifty-five (55) feet with the first finished floor level being level with sidewalk grade. A height variance may be applied for in accordance with Section 10.1.4.

J. Required Parking Facilities.

1. On-street parking, either angled or parallel, may be provided along all public streets, unless otherwise determined by the Mayor and City Council.

2. Off-street parking shall be required for any permitted use within this district in accordance with the parking requirements for such use. In the case of a mixed-use building, the minimum amount of parking required shall be that of the use that provides the greatest number of spaces. The Community Development Director may reduce the parking requirement by twenty-five (25) percent.

3. Off-street parking facilities shall provide an eight-(8)-feet-wide buffer between the facility and streets, islands eight (8) feet in width separating isles of parking, and separations four (4) feet in width every twelve (12) spaces. Said buffers, islands, and separations shall be landscaped with sod, three (3) gallon drought resistant shrubs (four (4) per parking space) and two-and-one-half (2 1/2)-caliper canopy trees which are approved by the Community Development Director planted of a forty-feet spacing.

4. Off-street parking facilities shall be illuminated with downcast lighting using energy-efficient bulbs.

K. Underground Utilities.

1. Utilities shall be located underground.

2. For all new construction and redevelopment, utilities along public streets must be placed underground. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.

3. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

Chapter 3: USE REGULATIONS

3.1 Use Table: Zoning Districts and Use Comparison.

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
AGRICULTURAL													
Agriculture, Forestry and Animal Related Uses													
Commercial Greenhouses and Plant Nurseries	C								P	P	P	P	3.2.9
Keeping or raising of livestock	C												3.2.21
Livestock Processing and Feedlots	C										C	P	3.2.22
Riding academies or stables	P												3.2.4
Roadside produce stands	C												3.2.31
RESIDENTIAL													
Accessory Dwelling Unit (guesthouse, in-law suite, apartment over garage)	A	A	A										3.2.2
Duplex, triplex, quadraplex			P	P			C						
Home Occupation	A	A	A	A	A		A						3.2.18
Live-work unit							P						
Manufactured home					P								
Mobile home					P								3.2.26
Multi-family apartments and condos				P									
Single-family residences	P	P	P										
Townhouse			P	P									
Upper Story Residential							P						
LODGING													
Bed and breakfast (not in subdivision)	C												3.2.6
Hotel/Motel								P	P	P			
Short Term Vacation Rental	A		A										Title 9
SPECIALIZED HOUSING FACILITIES													
Boarding/Rooming house	C			C		C		P	P	P			3.2.7
Personal Care Homes, Group Homes, and Boarding Home Having 2 or Less Persons.	P	C	C	C									3.2.28
Personal Care Homes, Group Homes, and Boarding Home Having 2 or More Persons	C	C				C							3.2.29
Nursing Homes, Assisted Living, and Hospice Care Facilities.				C		C							3.2.17
Senior adult housing	P	P	P	P									3.2.37
INSTITUTIONAL/PUBLIC													
Cemeteries	P	P						C					3.2.7
Funeral Homes, Mortuaries, and Crematoriums	C								C				3.2.15

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
Emergency Response and Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P	3.2.12
Golf courses and driving ranges	C	P		P									3.2.16
Municipal, County, State, or Federal Buildings	P	P	P	P	P	P	P						
Library or museum						P	P						
Parks and playgrounds	P	P	P	P	P	P	P						
MASS ASSEMBLY CENTERS & GROUNDS													
Amphitheaters									C	C	C	C	3.2.24
Athletic Fields	P	P	P	P	P	P	P	P	P	P	P	P	3.2.24
Armories									C	C	C	C	3.2.24
Convention Centers							C		C	C	C	C	3.2.24
Civic Centers							C		C	C	C	C	3.2.24
Fairgrounds									C	C	C	C	3.2.24
Lodges and Event Facilities	C					P	P			P	C	C	3.2.23
Outdoor Amusements (miniature golf, carnivals or midway rides, pony rides, climbing walls, tracks for go-carts and similar vehicles, and other tourist-oriented rides and amusements)							C		C	C	C	C	3.2.24
Places of Worship	C	C				P		C	C	C			3.2.24
Rodeos									C	C	C	C	3.2.24
EDUCATION													
Colleges, universities, research and training facilities	P					P		P	P	P	P	P	
Public kindergarten, elementary, middle and high schools	P	P	P	P	P	P		P	P	P			3.2.35
Private kindergarten, elementary, middle and high schools	C					P		P	P	P			3.2.35
Vocational schools						P		P	P	P	P	P	3.2.24
AUTO RELATED USES													
Automobile brokerage (no vehicle storage)									P	P			
Automobile service, major repair										P	P	P	Title 9
Automobile service, minor repair									P	P			Title 9
Automobile sales and truck sales										C			Title 9
Automobile rental and leasing facilities									P	P			
Automobile wash and wax centers									P	P			
Gasoline service centers									C	P			3.2.14
Recreational Vehicle/Boat sales and service										P			
Tire Shops										P			Title 9

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
OFFICE													
Building and construction office, landscape contractors. (material, equipment, storage)									P	P	P	P	
Temporary trailer, as home sales office or construction trailer										P	P	P	
General business office including accounting, finance, banking, insurance, legal, medical, real estate, engineering, architecture, construction (without storage), etc.						P	P	P	P	P			
RECREATION AND ENTERTAINMENT													
Clubs and/or Lounges	C							P	P	P	P	P	3.2.24
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)								P	P	P	P	P	3.2.24
Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training);								P	P	P	P	P	3.2.24
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building								P	P	P	P	P	3.2.24
RETAIL													
Apparel or accessories store						A	P	P	P	P			
Art gallery						P	P	P	P	P			
Antique shops, provided that there is no outdoor display or storage							P	P	P	P			
Book, greeting card, or stationery store						P	P	P	P	P			
Farmer's market							P	C	C	P	P	P	
Florist and gift shops						P	P	P	P	P			
Grocery stores							P	P	P	P			
Hardware store or other building materials store								P	P	P			
Jewelry store							P	P	P	P			
Liquor or package store								P	P	P			Title 9
Music or music equipment store (retail)							P	P	P	P			
Office supplies and equipment store							P	P	P	P			
Pawn shops and second- hand stores, including apparel, music, movies, gaming, and books									P	P			Title 9
Pet supply store (No Boarding)							P	P	P	P			
Pharmacy or drug store						P	P	P	P	P			
Radio, television, or consumer electronics store							P	P	P	P			
Small Box Discount Stores									P	P			3.2.36

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
Tattoo Shops									P	P			Title 9
Used Appliance Shops									P	P			Title 9
Vape Shops, hookah sales									P	P			Title 9
RESTAURANT AND FOOD ESTABLISHMENTS													
Accessory café or eatery within a building						P	P	P	P	P	P	P	
Brewpub, Beer Growler, Brewery							P	P	P	P			
Bakery, confectionary, and café uses							P	P	P	P			
Catering establishments								P	P	P			
Cigar Bars, Hookah Lounges									P	P			
Food Trucks							P						
Restaurants (non-drive-thru)						P	P	P	P	P			
Restaurants with a drive-thru configuration								P	P	P			
Specialty food stores (e.g., coffee, ice cream)						P	P	P	P	P			
TRANSPORTATION													
Ambulance, taxi or limousine service, dispatch, and storage.											P	P	
Bus or rail stations or terminals for passengers												P	
Airstrips, Airports and Helicopters [Heliports].											P	P	3.2.5
Parking, commercial lot											P	P	
Parking, commercial garage						A	A	A	A	A	P	P	
SERVICES													
Adult and Child Day Care	C	C	C	C	P	P		P	P	P			3.2.3
Animal Care Facilities (Kennels, Animal Hospitals, Veterinary Clinics, and Stables).	C								P	P	P		3.2.4
Banks, credit unions or other similar financial institutions							P	P	P	P			
Barber shop/ beauty salon or similar establishments							P	P	P	P			Title 9
Coin laundry, dry cleaning, and pickup stations						A		P	P	P			
Day Spa							P	P	P	P			
Nail Shops							P	P	P	P			Title 9
Fitness center						A	P	P	P	P			
Personal services establishment							P	P	P	P			
Photographic studios							P	P	P	P			
Plumbing, HV/AC equipment establishments									P	P			
Publishing or printing establishments							P	P	P	P			
HEALTH AND MEDICAL SERVICES													
Dental offices and clinics						P	P	P	P	P			

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
Health services clinic, urgent care						P		P	P	P			
Home healthcare service, office use only						P		P	P	P			
Hospital or medical facility						P		P	P	P			3.2.19
Kidney dialysis center						P		P	P	P			
Medical or dental laboratories						P			P	P			
Physical Therapy						P		P	P	P			
INDUSTRIAL													
Airports, heliports, and landing areas												P	3.2.5
Agricultural implementation and equipment establishments											P	P	
Armory and equipment sales											P	P	
Alternative energy production (other than solar energy systems)	-	-	-	-	-	-	-	-	-	-	-	C	
Agriculture crop processing and storage (of materials produced off-site)												P	
Automobile/truck manufacturing											C	P	
Asphalt and concrete batching plants												C	
Asphalt manufacturing												P	
Building materials and lumber supply establishments											P	P	
Business distribution centers											P	P	
Business parks										P	P	P	
Building materials and lumber supply establishments												P	
Blast furnace, steel furnace, blooming, or rolling mill												P	
Brick, tile, and terra-cotta manufacturing												P	
Clinics, cafeterias, employee credit unions and recreational facilities for employees only						P		P	P	P	P	P	
Commercial parking garages and lots											P	P	
Computer and data processing services											P	P	
Centers for Manufacturing, Production, Processing or Assembly.											P	P	3.2.8
Central mixing plants for cement, mortar, plaster or housing materials.												C	
Cement, lime, gypsum, or plaster manufacturing												P	
Chemical storage or manufacturing												P	
Heating and electric power generating plants and all necessary uses												P	
Fabrication shops											P	P	
Greenhouses and nurseries, including landscaping services	C										P	P	
Industrialized and Modular Buildings								P	P	P	P	P	3.2.20

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
Lumber yard for wholesaling of building products												P	
Machine and machine tool manufacture											P	P	
Mines and Quarries.												P	3.2.25
Development of natural resources, including the removal of minerals (such as rock quarries) and natural materials, together with necessary buildings and machinery												C	
Outdoor storage										P	P	P	3.2.27
Petroleum or inflammable liquids, production, refining, or storage												P	
Poultry killing, plucking, and processing												P	
Railroad spurs and yards												P	
Railway lines, passenger depots, intermodal facilities, and rail yards												P	
Recycling centers for collection or processing												P	
Research, experimental, or testing laboratories											P	P	
Rock, sand or gravel distribution or storage												P	
Sawmills												P	
Sheet metal products												P	
Smelting of copper, iron, zinc, or ore												P	
Tinsmith/roofing operations												P	
Tractor trailer storage and trailer drop lots												C	
Truck terminals												C	
Truck, trailer, tractor sales and service												C	
Trade shops, including electrical, plumbing, heating/ cooling, and roofing											P	P	
Trade/ industrial/ vocational schools											P	P	
Truck parking lots, as distinguished from truck terminals and similar uses											P	P	
Sanitary Landfill												C	
Salvage Yards or Junkyards and Wrecker Services (with Storage Area).												P	3.2.32
Self-Service Storage Facilities.										P	P	P	3.2.35
Towing, wrecking, and Impound service												P	
Truck Stops												C	3.2.40
Warehousing or Storage											P	P	
Wholesale business, warehouse, distribution, and similar non processing storage and distribution uses											P	P	

KEY:	P - Permitted Use							"See Section" - Additional Regulations Apply					
	A - Permitted as an Accessory Use							C - Conditional Use					
Use	**RR**	**SR**	**CCR**	**MFR**	**MHR**	**OI**	**DT**	**C1**	**C2**	**C3**	**LI**	**HI**	**See Section**
COMMUNICATIONS/UTILITIES													
Radio/television transmission towers over thirty-five (35) feet high.										C	C	C	
Radio tower under 35ft high										P	P	P	
Transit park-and-ride lots										P	P	P	
Wireless Telecommunications	P									P	P	P	
Utility substation	P									P	P	P	
Water tower	P									P	P	P	
SOLAR ENERGY SYTEMS													
Integrated SES	A	A	A	A	A	A	A	A	A	A	A	A	3.2.37
Rooftop SES	C	C	C	C	C	C	C	C	C	C	C	C	3.2.37
Ground Mounted SES, Small Scale								C	C	C	P	P	3.2.37
Ground Mounted SES, Intermediate Scale										C	P	P	3.2.37
Ground Mounted SES, Large Scale											C	C	3.2.37
ACCESSORY USES													
Accessory structures	A	A	A	A	A	A	A	A	A	A	A	A	3.2.1
Fences and Walls	A	A	A	A	A	A	A	A	A	A	A	A	3.2.13
Electric Vehicle Charging Stations	A	A	A	A	A	A	A	A	A	A	A	A	3.2.11
Electrical Substations.	P	P	P	P	P	P	P	P	P	P	P	P	3.2.10
Gate and Security buildings											A	A	
Satellite Dish Antennas	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pools and Pool Enclosures	A	A	A	A	A	A	A	A	A	A	A	A	3.2.38
Temporary Structures and Uses	P	P	P	P	P	P	P	P	P	P	P	P	3.2.39

3.2 Supplemental Use Regulations.

3.2.1 Accessory Structures.

The intent of this section is to regulate the installation, configuration, and use of accessory structures. Regulation is necessary in order to ensure that accessory structures are compatible with the surrounding neighborhood and are consistent with the character and intent of the zoning district in which the accessory structures are located. For the purposes of this section fences and walls are not considered accessory structures.

A. Accessory structures shall be located on the same lot as, and subordinate to, the principal use or structure.

B. Standards for specific accessory structures are set forth in below. All accessory structures shall comply with the standards that are set forth below:

1. Accessory structures shall be located within the side or rear yard, unless otherwise provided below, except those buildings in RR zoning districts, where the lots are a minimum of three (3) acres and are not part of a platted subdivision, may be located in the front yard.

2. Accessory structures shall not be erected on a lot prior to construction of the principal structure, except for agricultural purpose storage buildings in RR zoning districts, where lots are a minimum of three (3) acres and are not part of a platted subdivision.

3. Accessory structures shall be included in all calculations for impervious surface ratio or lot coverage standards, and for stormwater management standards.

4. Accessory structures shall not be located within any required buffer or landscaping area, parking lot, protected resource area, or stormwater management areas.

5. Accessory structures which are located in any residential zoning district shall not be used for any type of commercial operation.

6. Accessory structures shall not be used as a dwelling unit, except as provided in the standards for accessory dwellings.

7. Accessory structures shall comply with the standards listed in the table below.

Standards for Accessory Structures

Development Feature	Standard
Setbacks:	
• From side and rear property lines	10 feet
• From corner lots	Front Setback for district applies to both frontages
• From recorded easements for drainage, sanitary sewer and other utilities	Prohibited within easements
Maximum height:	

• Agricultural support structures, barns, and silos	None
• Within platted subdivisions in SR districts	25 feet
• Airplane hangars	35 feet
• All other RA developments	35 feet
• All other districts	25 feet
Separation from principal building:	10 feet
• Maximum floor area	
• On parcels, greater than one acre and located in the RR zoning district outside of a subdivision	No limitation
• In RR subdivisions	50% of heated space
• All other zoning districts	50% of the heated floor space of the primary dwelling

3.2.2 Accessory Dwellings (Guest Houses, In Law Suites, Caretaker Houses).

A. Accessory dwellings include basement apartments, garage apartments, caretaker or other employee quarters, guest houses, and other accessory dwellings.

B. Accessory dwellings shall not be used as rental property. They may only be occupied by family members, guests, or employees of the property owner.

C. Accessory dwellings are permitted within a principal dwelling or as a freestanding dwelling in an RR, SR, and CCR zoning district.

D. Accessory dwellings contained within a principal dwelling in the RR, SR, and CCR zoning districts shall comply with the following standards:

1. No more than one accessory dwelling shall be established in a principal dwelling.
2. One (1) additional parking space shall be provided to serve an accessory dwelling.
3. Accessory dwellings shall comply with all building and health code standards.

E. Freestanding accessory dwellings in the RR and SR zoning districts shall comply with the following standards:

1. No more than one (1) freestanding accessory dwelling shall be established on a residential lot.
2. An accessory dwelling may be located on the second floor over a detached garage or it may be a separate structure.
3. Accessory dwellings shall be located within the side or rear yard, except that in the RR zoning district, where the lots are a minimum of three (3) acres and are not part of a platted subdivision an accessory dwelling may be located in the front yard.
4. Accessory structures shall comply with minimum setbacks set forth in this section.

5. The residential lot shall comply with the minimum lot area standards for the district, except that in no case shall an accessory dwelling be located on a lot served by County sewer having less than eighteen thousand (18,000) square feet of lot area; lots utilizing an on-site sewage management system must be a minimum of thirty thousand (30,000) square feet.

6. One (1) additional parking space shall be provided to serve the accessory dwelling.

3.2.3 Adult and Child Day Care Facilities.

The requirements of this section apply to child and adult day care facilities, nursery schools, and preschools.

A. Family day care homes or group day care homes are NOT allowed in residential districts, nor are they allowed on any property which is used for residential purposes. The regulations which are listed below apply to commercially operated adult and child day care facilities only.

B. Each adult and child day care center shall be subject to the following requirements when it is located within a commercial building or commercial zoning district:

4. All regulated facilities shall comply with the State regulation and shall acquire applicable State licenses for operation.

5. All facilities shall be located on properties having a minimum of one (1) acre and shall be located on a thoroughfare having a classification of a collector road or higher.

6. All day care facilities must be located in freestanding buildings. They may not be located within a tenant space of a retail center, office building, or other type of building.

7. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on the maximum permissible enrollment.

8. Each child day care facility shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on the maximum permissible enrollment.

9. All required outdoor play/ recreation areas shall be enclosed by a solid decorative fence which is not less than four (4) feet in height.

10. No day care home shall be located within one thousand five hundred (1,500) feet of another day care facility.

11. All facilities must obtain a business license with the City and provide a copy of all State licenses and documentation.

3.2.4 Animal Care Facilities (Kennels, Animal Hospitals, Veterinary Clinics, and Stables).

A. Animal care facilities, with the exception of stables and facilities for livestock, are permitted in the RR zoning district with an approved conditional use permit and are subject to the site design standards for the district. Stables and facilities for livestock are permitted in the RR zoning district and are subject to the site design standards in this section.

B. Animal care facilities, with the exception of noncommercial kennels in C2, C3, and LI zoning districts are subject to the site design standards for the district and specific site design standards in this section.

C. Design standards for an animal hospital or veterinary clinic in a freestanding building are listed in the table below.

Standards for Freestanding Animal Hospital or Veterinary Clinic

Development Feature	Standard
Animals allowed	Domestic pets, farm animals, and livestock. Wild animals are prohibited
Minimum setback from any residential zoning district for buildings	50 feet
Minimum setback from any residential zoning district for outdoor runs	75 feet
Building design	Consistent with the design, materials, and color of buildings in the surrounding area
Outdoor runs	Drains connected to an approved sanitary facility; odor control required; pest control required
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Boarding	Soundproofing required

C. Design standards for an animal hospital or veterinary clinic in a shopping center are listed in the table below.

Standards for Animal Hospital or Veterinary Clinic in a Shopping Center

Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum building setback from any residential zoning district	50 feet
Building design	Soundproofing required; odor-proofing required; pest control required
Outdoor runs	Prohibited
Boarding	Prohibited

E. Design standards for commercial kennels are listed in the table below.

Standards for Commercial Kennels

Development Feature	Standard
Animals allowed	Domestic pets only; farm animals, livestock, and wild animals are prohibited
Minimum land area	Two acres in the RR zoning district; 32,670 sf on septic tank or 10,000 sf on public sewer in the C-2 and C-3 zoning districts; one acre on septic tank and 30,000 sf on public sewer in LI; and one acre in the HI zoning district
Minimum setback from any residential zoning district for any buildings or structures	50 feet
Minimum setback from any residential zoning district for outdoor runs	75 feet
Outdoor runs	Fencing required in addition to any fencing on the perimeter of the site; drains connected to an approved sanitary facility; odor-proofing required; pest control required; hours of operation limited to 7:00 a.m. until 7:00 p.m.
Buffer requirements	20 feet wide, plus a fence or wall adjacent to any residentially zoned property
Boarding	Soundproofing required

F. Design standards for noncommercial kennels are listed in the table below.

Standards for Noncommercial Kennels

Development Feature	Standard
Animals allowed	Up to 10 adult domestic pets, only; farm animals, livestock, and wild animals are prohibited
Minimum setback from any residential zoning district for any buildings or structures	50 feet
Minimum setback from any residential zoning district for outdoor runs	50 feet
Outdoor runs	Fencing required in addition to any fencing on the perimeter of the site; drains connected to an approved sanitary facility

G. Design standards for stables, including riding academies, barns, and other facilities for farm animals and livestock are listed in the table below.

Standards for Stables and Facilities for Livestock

Development Feature	Standard
Animals allowed	Farm animals and livestock
Limitations on zoning districts	Allowed only in RR zoning district
Minimum land area	3 acres
Minimum setback from any adjacent residential zoning district for any buildings or structures	50 feet
Minimum setback from any residential zoning district for outdoor tracks and exercise yards	100 feet
Outdoor tracks and exercise yards	Odor control required; pest control required
Fences	The parcel (3 or more acres) shall be fenced. The outdoor track and each exercise yard shall be separately fenced.

3.2.5 Airstrips, Airports and Helicopters [Heliports].

A. Airstrips, airports and helicopters [heliports], other than private airstrips and helicopters [heliports] within a residential fly-in neighborhood), are permitted in the M-1 and M-2 zoning districts. Those properties zoned RA (Residential Agricultural) outside of a subdivision, shall be required to obtain a Conditional Use Permit and meet the following minimum standards:

1. Minimum acreage shall be fifteen (15) acres.

2. An undisturbed vegetative buffer shall be provided along all property lines that abut property with a residential zoning classification, except where prohibited to provide access or utility easements. The purpose of the buffer shall be to screen sight or sound of activities from adjacent and nearby residential neighborhoods. The buffer shall be a minimum of one hundred (100) feet in width. Should the property lack existing vegetation, a detailed landscaped plan shall be submitted and approved by the Development Plan Review Department, prior to the submittal of a Conditional Use Application, and shall conform to the plant material requirements and specifications set forth in this title. Existing vegetation within the buffer area should be preserved and enhanced where insufficient to provide adequate screening, but not in excess of that which is required.

3. The landing strip/runway shall not be paved. The use of permeable or pervious pavement materials shall be allowed.

4. The private airstrips, airports and helicopters [heliports] shall adhere to all applicable laws and regulations of the Georgia Department of Transportation (GDOT) and Federal Aviation Administration (FAA).

5. No commercial activities shall be allowed or permitted with any approved Conditional Use. The following uses are prohibited: flight instruction, aircraft storage (other than hangars for use by the property owner), aircraft maintenance (other than by the property owner), aircraft fueling (other than for use by the property owner), and other similar commercial airport activities.

6. Only one (1) airstrip per conditional use permit shall be allowed.

7. A maximum of two (2) airplane hangars may be allowed even in the absence of a primary structure to any approved Conditional Use. Any hangars in excess of two (2) shall be required to obtain separate approval from the Mayor and City Council, by the filing of a separate application.

8. All hangars constructed shall be required to obtain a permit and approval from the Director and shall comply with any and all development and building regulations and standards.

3.2.6 Bed and Breakfast Facility (Not in a Subdivision).

A. The regulations below are intended to allow for a more efficient use of large (over 3,500 square feet), older homes in residential areas if the neighborhood character is reserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner that keeps them primarily in residential uses and provides an alternative form of lodging for visitors who prefer a residential setting. An approved conditional use permit is required for all bed and breakfast facilities within the RR zoning district.

B. The dwelling must be a minimum of ten (10) years old before a bed and breakfast facility is allowed. The individual or family operating the facility must occupy the house as their primary residence.

C. Bed and breakfast facilities may have nonresident employees for such activities as booking rooms and food preparation. Hired services for normal maintenance, repair, and care of the residence such as yard maintenance are also permitted.

D. The following functions are permitted: luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.

E. The site design standards that are set forth in the table below are required for bed and breakfast facilities (not in a subdivision).

Standards for Bed and Breakfast Facilities

Development Feature	Standard
Maximum number of bedrooms	Six (6)
Maximum floor area which the bed and breakfast use may occupy within the primary structure, in relation to the homeowner's area	50 percent
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Drop-off and pick-up areas	Designed and located away from residential areas, and separated from parking areas by a landscaped strip

3.2.7 Cemeteries.

A. A cemetery may include one (1) or more of the following: a burial park for earth interments, a mausoleum for vault or crypt interments, and a columbarium.

B. A cemetery may include a chapel or place of worship when it is operated in conjunction with, and within the boundaries of, such cemetery.

C. Site design requirements are listed in the table below.

Standards for Cemeteries

Development Feature	Standard
Minimum land area:	
• Registered cemeteries (per state law)	10 acres
• With a structure requiring a building permit	2 acres
• Without a structure requiring a building permit	1 acre
Minimum setbacks for structures, storage, materials, equipment, or interment lots:	
• Front yard	40 feet
• Side yard	20 feet
• Rear yard	20 feet
• Adjacent to a residentially zoned property	50 feet
• Minimum road frontage	100 feet
Minimum buffer requirements:[1]	
• Front property line	None
• Side and rear property lines	Pending

• Adjacent to state bodies of water	75 feet[2]
• Access for existing cemeteries	Must be provided and maintained
• Access for new cemeteries	Easements are required

[1] The buffer shall be designed to achieve a minimum height of six (6) feet within three (3) years after installation.

[2] The required buffer shall be along the banks of all state bodies of water as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action.

E. **Location Requirements.**

1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.
2. All new cemeteries shall be located a minimum of one hundred fifty (150) feet from a drinking water well.
3. The cemetery shall be located below the elevation of known drinking water wells.

F. **Off-street Vehicle Queuing**. Adequate off-street vehicle queuing space shall be provided for funeral processions so that no vehicle stands in a dedicated right-of-way.

G. **Access.** Access to new cemeteries shall be provided from a City- or County-maintained roadway or state highway. The entrance and exits to the cemetery shall be from the frontage street, only.

H. **Mausoleums and Columbaria.** Mausoleums and columbaria may be located within the boundaries of approved cemeteries, only. Mausoleums and columbaria shall have brick or stone facades.

I. **Review and Approval Procedures.**

1. A cemetery shall meet the requirements of this section. Upon approval, a final plat of the cemetery shall be recorded.
2. A drainage plan must be submitted and approved by the Director before cemetery approval may be granted.
3. The owner of a cemetery shall notify the Henry County Health Department of the intent to build a cemetery and shall submit a letter from the County Health Department identifying the location of the cemetery in relation to any known drinking water wells as part of the application process.

3.2.8 Centers for Manufacturing, Production, Processing or Assembly.

A. Purpose. Certain manufacturing, production, processing or assembly uses are permitted in the LI and HI zoning districts, subject to the site design requirements of the zoning district. However, within this broad group of uses certain uses are permitted within LI or HI only where supplemental site design standards are met. This section sets forth those specific site design

standards that are required in addition to the site design standards of the zoning district in which the use is proposed.

B. Supplemental Standards. Supplemental standards for asphalt and concrete batch plants, central mixing plants for cement, mortar and plaster and food processing plants are provided in the table below.

Standards for Asphalt and Concrete Batch Plants, Central Mixing Plants and Food Processing

Development Feature	Standard
Minimum land area	2 acres
Minimum building or structure setback from residentially zoned properties	100 feet
Buffers	40 feet wide
Vibration or electromagnetic interference	Shall not be detected on adjacent properties
Loading docks	Screened from view of adjacent properties and the public right-of-way
Outside storage	Screened from view from adjacent properties and the public right-of-way. Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Enclosed, except for an access gate, and screened from view from adjacent properties and the public right-of-way

3.2.9 Commercial Greenhouses and Plant Nurseries.

A. Greenhouses and plant nurseries are permitted in the C2, C3, LI, and HI zoning districts subject to the site design standards of the district and the supplemental standards set forth in this section.

B. Greenhouses and plant nurseries in the RR zoning district require a conditional use permit and shall only sell plants grown on-site.

C. Site design standard for greenhouses and plant nurseries are provided in the table below.

Standards for Greenhouses and Plant Nurseries

Development Feature	Standard
Minimum land area	1.25 acres
Outdoor storage and loading areas	Setback from residential properties a minimum of 75 feet. Fully screened, by opaque fence or solid wall, from any view from adjacent properties and the public right-of-way
Storage of loose materials, such as topsoil, compost, mulch, gravel, and similar materials	Fully enclosed by a solid fence or solid wall. Stockpiles of loose materials shall be limited in height to the height of the fence or wall.
Buffer	25 feet wide

3.2.10 Electrical Substations.

A. Electrical substations are permitted in any zoning district, subject to the dimensional standards for the district and the supplemental standards set forth in this section.

B. An electrical substation shall be fully enclosed, on all sides with a solid fence except for a gate, or with a landscaped buffer that meets the standards listed in the table below.

Standards for Electrical Substations

Development Feature	Standard
Buffer Requirement	Standard
• Width	25 feet
• Number of trees	1 tree for each 25 linear feet of buffer
• Number of shrubs	1 large screening shrub for each 8 linear feet, plus continuous hedge consisting of double staggered rows of shrubs
• Plant materials	Selected from list in Landscape plant materials standards [pending]

3.2.11 Electric Vehicle Charging Stations

A. Definitions:

a. **Electric Vehicle Charging Station (EVSE):** The public or private parking space(s) served by EVSE, including all signs, information, pavement surfaces, surface markings, fee collection systems, and protective equipment, in which a vehicle is recharged.

b. **Charging**: Occurs when the connector from the EVSE (or standard outlet) is inserted into the EV inlet, and electrical power is being transferred for the purpose of recharging the battery on board the EV.

c. **Charging Levels:** Standardized indicators of electrical force, or voltage, at which an EV's battery is recharged. EVSE is classified into categories by the rate at which batteries are charged: AC Level 1; AC Level 2; and DC Fast Charging.

d. **Electric Vehicle Charging Port:** The EVSE component which connects to vehicle charging inlets. One EVSE unit may contain multiple charging ports, which are also referred to as "plug connectors" or "heads". Level 1 ports include connectors supplied by level 1 EVSE as well as any standard 120V outlets able to supply 15 or more amps of current to be used with the level 1 EVSE supplied by vehicle manufacturers.

e. **Electric Vehicle (EV):** A class of automobiles that use electric motors powered by energy drawn for the grid or off-grid electric sources into a battery system for propulsion.

B. All EVSE Charging Stations are permitted as accessory uses and structures in all zoning districts. A permit required to install EV charging stations except for at private single-family homes for the homeowner's personal use.

C. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to residents, employees and visitors to the property. Collection of charging station fees shall not affect the zoning land use classification of properties where EV charging stations are installed as accessory uses.

3.2.12 Emergency Response and Public Safety Facilities.

A. Emergency response facilities, such as fire stations, ambulance services and police stations are permitted in any zoning district, subject to the dimensional standards for the district and the supplemental standards set forth in this section.

B. Site design standards for emergency response facilities are provided in the table below.

Standards for Emergency Response Facilities

Development Feature	Standard
Minimum setback from residential zoning districts	100 feet
Access requirements	Paved road
Buffers	20 feet wide

3.2.13 Fences and Walls (Excluding Retaining Walls).

A. Applicability. This section shall apply to all properties within the City of Stockbridge.

B. General Standards.

1. Residential properties shall also comply with the specifications of the approved plat for the subdivision and the Parkway Mixed Use Overlay District regulations. If there is a conflict, the stricter regulations shall apply.

2. For commercial and industrial properties, they must comply with the district requirements and the specifications of the approved plans.

3. No privately-owned fence shall be installed within any public street right-of-way or within any City-owned area.

4. No fence shall block access to utility easements between lots, as is stated on some approved plats or plans.

5. No fence shall be installed so that, in the opinion of the Community Development Director, it obstructs the sight vision at any street intersection, or if it in any way creates a hazard to traffic.

6. No fence shall be installed so that, in the opinion of the fire chief, it prevents or unduly restricts access to property for emergency purposes.

7. If a fence is designed so that its structural supports are primarily on one side, that side must always be toward the interior of the property.

8. If a fence is required by any governmental authority to provide for the safety and security of the residents of the City, that fence shall not be removed or otherwise left in an unsafe condition for any reason without the approval of the City Manager, and without proper precautions being taken to provide for continuous protection.

9. It shall be the responsibility of the owner of the property on which a fence is located to maintain that fence in good and proper repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.

10. Any fence that is damaged by accident or an act of God shall be properly repaired within ninety (90) days of occurrence. Fencing required for public safety purposes shall be repaired immediately.

C. Construction Standards.

1. All fences shall be constructed of pressurized wood (including cedar, cypress, or pine), brick, wrought iron, or chain-link.

    a. In the event the fence is constructed of chain-link, all exposed metal parts must be vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.

    b. Chain-link fences in residential must not be visible from the right-of-way.

2. Fences must be constructed at least one (1) foot from all side and rear setbacks and at least two (2) feet from any right-of-way.

3. No fence or portion of a fence shall exceed six (6) feet in height in a residential district; however, if a property owner wishes to install a tennis court, pool, or some other similar special-purpose facility, a fence not to exceed twelve (12) feet in height may be erected.

4. No fence that is installed in a residential front yard shall be constructed to a height in excess of four (4) feet, or in a fashion that restricts the view through such fence by more than fifty (50) percent of the total barrier, as may be viewed from the street.

5. No fence or portion of a fence shall exceed eight (8) feet in height in any commercial or industrial district.

6. Barbed wire, razor wire, concertina wire, and the like shall be prohibited.

D. Temporary Fence. The Community Development Director may permit the installation of a temporary fence of material which is not otherwise allowed under this section at a construction site, if it is felt that the fence would be necessary to protect the public safety or would be necessary to provide proper security for the site. A temporary fence shall remain in place for no more than one (1) year and must comply with the following conditions:

1. Temporary fences shall not exceed six (6) feet in height if they are located within any setback area.
2. No signs shall be attached to any temporary fence.

E. Permit required. A fence permit shall be required for all work performed in association with the construction, alteration, or relocation of a fence or wall, except where otherwise specified herein. Fences and walls for which a fence permit is not required:

1. Repairs. Repairs to an existing fence or wall with no structural changes.
2. Replacement. Replacement of an existing fence with a new fence that is the same type and height and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this ordinance.
3. Gates. The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.

F. Permit application. Applications for fence permits shall be made upon forms provided by the Community Development Department. The following information shall be provided with the application:

1. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements, and setback dimensions.
2. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
3. Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
4. Other information that the Director may require to show full compliance with this ordinance.

G. Legal nonconforming fences and walls. All existing legal nonconforming fences or walls shall be permitted to continue as such until removed, extended, or altered, at which time such fences or walls shall be made to conform to the provisions of this Section.

3.2.14 Gasoline Service Stations.

A. Gasoline service stations are permitted in the C-3 district and are a conditional use in the C-2 district, subject to the site design standards for the district, and the specific site design standards in this section.

B. Gasoline service stations may include the following activities: sale of fuel, oil, lubricants, and similar products; minor repair; sale of small automotive accessories; sale of food and sundries; convenience store; restaurant drive-up windows; inspection stations for emissions; or car washes. Gasoline service stations shall not include game rooms, game arcades, major repair shops, body shops, paint shops, or paint booths.

C. Gasoline service stations shall maintain a separation distance of 4,500 feet. This distance requirements shall be measured from property line to property line of another gasoline service station.

D. Design standards for gasoline service stations are shown in the table below.

Standards for Gasoline Service Stations

Development Feature	Standard
Minimum setbacks:	
Principal building and/or gas pumps and canopy, where side and rear lot lines are abutting residentially zoned property	40 feet
Principal building, side and rear lot lines, all other zoning districts	25 feet
Access requirements for corner lots	Access drives shall be a minimum of 20 feet from the intersection of street right-of-way lines
Buffer, adjacent to residentially zoned property	Includes a solid wall or solid fence not less than 6 feet in height in addition to the standards set forth in this title.

3.2.15 Funeral Homes, Mortuaries, and Crematoriums.

A. Funeral homes and mortuaries, with or without crematoriums, are subject to the following:

1. Subject to the site design standards of the property's zoning district;
2. Subject to the supplemental standards which are set forth in this section; and
3. Subject to the assembly use restrictions for certain businesses.

B. Adequate off-street vehicle queuing space shall be provided for funeral processions so that no vehicle stands in a dedicated right-of-way. A minimum off-street vehicle stacking distance of one hundred (100) feet shall be provided.

3.2.16 Golf Courses and Driving Ranges.

A. Golf courses and driving ranges are permitted in RR, SR, and MFR zoning districts, subject to the standards of the district and the supplemental standards in this section.

B. A golf course may be public or private and may include the following buildings and accessory uses:

1. A clubhouse with or without a pro shop, retail sales of golf supplies and accessories, and a restaurant or snack shop.
2. An equipment building for maintenance, minor repairs, and storage. Storage may include fertilizers, herbicides, pesticides, or golf carts.
3. Driving range and/or putting greens.
4. Restroom facilities.

C. The types of golf courses may be par three (3), executive, private, semi-private or regulation.

D. Site design standards for golf courses are provided in the table below.

Standards for Golf Courses

Development Feature	Standard
Property size minimum	3 acres
Minimum setback from residentially zoned property for:	
• Bathrooms	10 feet
• All other buildings	100 feet
• Safety netting for driving ranges	Required on the perimeter of the playing area abutting public streets and residentially zoned property. Minimum of 40 feet in height
• Outdoor lighting for driving range, tees, greens, and fairways	Directed and shielded to avoid illumination of properties used or zoned for residential purposes. Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property. Outdoor lighting shall be turned off not later than 10:00 p.m.
• Loudspeakers or paging systems	Prohibited
• Outside storage and loading areas	Fully screened from view from adjacent properties and from the public right-of-way
• Golf cart crossings	Shall be plainly marked and located for safety of both the cart users and persons using sidewalks or streets that are crossed.

3.2.17 Nursing Homes, Assisted Living, and Hospice Care Facilities.

A. Persons seeking to operate such a facility must file a permit application with the City along with any fees established by the City Council.

B. Each permit application shall include an affidavit that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the City.

C. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the City permit application.
D. The Director of Community Development may require clarification or additional information from the applicant that is deemed necessary to determine whether operation will meet applicable laws, regulations and development standards.
E. If the Director of Community Development determines that an application to operate the facility is in compliance with the applicable requirements, the Director of Community Development shall approve the application for a permit, but the permit for operation shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.
F. No permit for the operation of the facility shall be transferable.
G. No facility shall be operated without both a valid permit from the City and a valid license from the State of Georgia Department of Community Health.
H. No such facility shall be located within 1,000 feet of any other such facility, said distance to be measured in a straight line from the closest property lines upon which each facility is located.
I. All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.
J. No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.
K. Parking Requirement; 1 for each 3 dwelling units.
L. The site design standards presented in the table below are required for nursing homes, assisted living and hospice care facilities.

Standards for Nursing Homes, Assisted Living Facilities, and Hospice Care Facilities

Development Feature	Standard
Minimum site area	1 acres (not in a subdivision)
Minimum setbacks, side, and rear yards	50 feet
Place of operation	Freestanding structure, or within a religious facility if a conditional use permit has been obtained
Number of children or adults	Two or more to be operational
Hours of operation	Required to be open for 24 hours (with 24-hour supervision required for all residents)
Parking	One standard off-street parking space per one bedroom shall be provided

3.2.18 Home Occupations.

A. A home occupation as defined by this section is permitted subject to the following requirements:

1. Only the residents of the dwelling may be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.
3. No display of products shall be visible from the street except agricultural products that are grown on the premises in an RR (Rural Residential) zoning district. Only products that are produced on the premises may be sold on the premises.
4. No signs shall be allowed for identifying the premises as a home occupation, except in the RR district. Such signs may only advertise the items that are produced on the property.
5. Use of a dwelling for a home occupation shall not exceed twenty-five (25) percent of one (1) floor.
6. No interior or exterior alterations that are inconsistent with the residential use of the building shall be permitted.
7. The home occupation shall not constitute a nuisance to the community.
8. No outside storage of materials to be used in connection with a home occupation is permitted, except in an RR district. To the extent that large or hazardous materials are used by a home occupation, the applicant shall be required to store such materials at a site other than the home occupation, consistent with applicable zoning and land use laws.
9. No accessory buildings shall be used in connection with the home occupation, except in an RR district, unless it is approved as a conditional use and then in a residential district only. The use of an accessory building shall comply with the following conditions:
    a. The accessory building shall maintain a residential appearance.
    b. No business activities involving in-person contacts with customers shall be conducted between the hours of 7:30 p.m. and 7:30 a.m.
    c. No automotive painting, body work, salvage, major automotive, or heavy equipment repairs are to be conducted.
    d. No machinery or equipment shall be used which generates noise that is detectable outside the accessory structure.
10. Applicants shall not be allowed to have customers visit the home occupation, except as follows:
    a. The conduct of a home occupation involving rendering of services, such as those listed below, will be allowed subject to the following limitation(s):

i. Instruction in music and similar subjects shall be limited to two (2) students at a time, subject to the restrictions for certain types of businesses.

ii. Beauty shops, barber shops, manicurists and similar occupations shall be limited to (2) customers at a time.

b. Any service provider conducting a home occupation under this section shall not be allowed to market and sell goods or products on the premises of the home occupation.

c. Nothing in this section shall preclude the owner of a home occupation from meeting customers at a site other than the home occupation, consistent with applicable zoning and land use laws.

11. Only passenger vehicles, pickup trucks, vans, and trailers that are pulled by such vehicles may be used in connection with the management of a home occupation. Trailers shall be stored in a garage or accessory structure when they are not in use, and no vehicle or trailer shall feature commercial advertising or marks identifying a commercial use of said vehicle.

12. Beauty shops, barber shops, manicurists, and similar services that are conducted as home occupations are subject to the requirements for restricted businesses. They shall be limited to two (2) chairs (stations) and one (1) shampoo chair (station).

13. No more than two (2) non-transient guests may be boarded at any one time as a home occupation.

14. The following and similar uses shall be considered to be home occupations, provided that they follow the minimum standards described in this section: attorney, addressing service, art instruction, beauty and barber shop, dentist, doctor, drafting and surveying, dressmaking, insurance agent, manufacturers' representative, music teacher, notary public, photographer, real estate agent, tax services, and consultant.

15. All home occupations shall obtain an occupational tax certificate, or business license, from the City. The City Clerk is hereby authorized to accept applications and either grant the same if an applicant demonstrates compliance with the requirements of this section or refer the matter to the Mayor and City Council for action.

16. Agricultural activities that are associated with the raising of crops and farm animals on properties which are over three (3) acres in size shall not be subject to the requirements for home occupations.

17. The City reserves the right to establish sanitation rates for home occupations that are higher than those for residential customers generally. All home occupations shall pay for sanitation services at the higher rate, and in a timely manner, or face the revocation of a previously-issued occupational tax certificate, denial of the rights to engage in a home occupation in the future, or any other civil penalties that are authorized by law.

B. Family Day Care Centers Prohibited. Family day care centers, as are defined in this Unified Development Code, shall hereafter be strictly prohibited within the City of Stockbridge.

3.2.19 Hospitals.

A. Hospitals are permitted in the OI, C2, and C3 zoning districts, subject to the site design standards of the district.

B. Site design standards for hospitals are provided in Table below.

Standards for Hospitals

Development Feature	Standard
Minimum land area	5 acres
Minimum side and rear yard setback	100 feet
Emergency vehicle access	Shall not face residentially zoned properties

3.2.20 Industrialized and Modular Buildings.

A. Modular and industrialized buildings within nonresidential zoning districts. These uses are permitted in the C-1, C-2, C-3, LI, and HI districts, subject to the standards of the district and the supplemental standards that are set forth in this section, and they must receive architectural design approval from the Community Development Director.

B. Industrialized and modular buildings shall not be utilized for residing in or any other residential purpose.

C. The site design standards that are set forth in the table below are required for industrialized and modular buildings in all nonresidential zoning districts.

Standards for Industrialized and Modular Buildings

Development Feature	Standard
Building materials - decorative facing (where facing on a public street)	Brick, stone, stucco, masonry, wood, or any combination thereof, including glass; aesthetically pleasing façade shall be maintained on portions of the building which face on all public streets
Window treatments	Consistent with decorative facade design, considering materials and color
Screened from public right-of-way	Mechanical equipment, electric meter and service components, and similar utility devices (ground level, wall/roof-mounted)
Screening Techniques: • Ground level • Brick, wood, or masonry, etc.	Landscaping sufficient to block the view from public rights-of-way

• Required entrance to building	Building materials to be the same as the predominant exterior of the principal building on the site Where street-level retail uses have sidewalk frontage in addition to any other access that may be provided to the building
Entrance/exit driveways	Shall be paved with asphalt, concrete, or pavers

3.2.21 Keeping or Raising of Livestock.

The keeping or raising of all farm animals or fowl and use of private stables shall be limited to property located within the RR zoning district with a conditional use permit and must have a minimum lot area of three (3) acres. The keeping or raising of animals or fowl shall be subject to all regulations of the Henry County Health Department and the Henry County Animal Control Ordinance.

3.2.22 Livestock Processing and Feedlots.

Livestock processing and feedlots shall meet applicable state and federal standards for confinement feeding operations. A buffer one hundred (100) feet in width is required on all side and rear property lines.

3.2.23 Lodges and Event Facilities.

A. Lodges and event facilities are permitted in the OI and C3 (standalone building only), DT, and PUD zoning districts, subject to the site design standards for that district, as well as the restrictions pertaining to assembly uses. Lodges and event facilities are permitted with an approved conditional use permit within the LI and HI zoning districts, subject to the standards of the zoning district. An approved conditional use is also required within the RR zoning district, subject to the supplemental standards set forth in this section.

B. Functions including luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are permitted.

C. The site design standards that are set forth below.

Standards for Lodges and Event Facilities

Development Feature	Standard
Minimum site area	2 acres
Minimum lot width	200 feet
Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Drop-off and pick-up areas	Designed and located away from residential areas Separated from parking areas

3.2.24 Mass Assembly Centers and Grounds (Fairgrounds, Outdoor Amusements, Amphitheaters, Convention Centers, Civic Centers, Rodeos, Armories, Places of Worship, and Athletic Fields).

A. As used in this Zoning Ordinance of the City of Stockbridge, Georgia, a place of assembly is a structure, portion of a structure, or area (either indoor or outdoor), designed primarily for people to gather to observe or participate in a single event or series of events. Places of assembly primarily consist of:

1. Places of religious worship;
2. Conference centers;
3. Funeral homes;
4. Auditoriums;
5. Stadiums and coliseums;
6. Movie theaters;
7. Concert halls;
8. Dance halls;
9. Movie, television and radio studios admitting an audience;
10. Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training); and
11. Clubs and/or lodges.

B. The following uses are not considered places of assembly for purposes of the UDC of the City of Stockbridge, Georgia:

1. Public libraries;
2. Hospitals, clinics and/or medical offices;
3. Nursing homes;
4. Flea markets;
5. Transit stations;
6. Restaurants;
7. Recreational facilities without spectator seating.

C. Subject to all conditions of the underlying zoning district and the conditions below, the following specific type(s) of place of assembly are permitted by right in the commercial and industrial zoning districts of the City:

1. Places of religious worship;
2. Movie theaters;

3. Concert halls;

4. Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training); and

5. Clubs and/or lodges.

D. Subject to subsection B above and all conditions of any underlying zoning district places of assembly shall be conditional uses in all other zoning districts.

E. In the event that any place of assembly is designed to serve more than fifty (50) persons at any given time (whether or not the place of assembly is actually occupied by more than fifty (50) persons), the parcel shall:

1. Be located on a lot fronting a major thoroughfare; and

2. Be located on a tract of land not less than two (2) acres in area and having a street frontage of not less than two hundred (200) feet. In the case of parcels of land containing multiple tenants, the total land area shall be prorated among the tenant spaces based on square footage of each tenant space. In such cases, the prorated area for the place of assembly shall be not less than two (2) acres in area.

F. Nothing in this section shall be deemed to amend or otherwise alter any life safety code or any other provision of this code unless expressly provided for herein.

G. Fairgrounds, outdoor amusements, amphitheaters, civic centers, convention centers, rodeos, and armories may be approved as a conditional use in RR, C-2, C-3, LI, and HI districts. Such facilities shall also meet the requirements of the applicable zoning district; of any applicable overlay district; of the assembly use regulations; and the additional site design standards that are set forth in this section.

H. Fairgrounds, outdoor amusements, and amphitheaters at which activities occur primarily outdoors shall also meet the site design standards of the table below.

Standards for Fairgrounds, Outdoor Amusements, and Amphitheaters

Development Feature	Standard
Minimum setbacks for buildings:	
• Abutting residential zoning districts	200 feet
• Abutting nonresidential zoning districts	100 feet
Minimum setback for outdoor stage or performance area:	
• Abutting residential zoning districts	600 feet
• Abutting nonresidential zoning districts	200 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	200 feet
Parking lot design	Aisles may be paved; spaces may be paved, grass, dirt, or gravel
Minimum buffer	50 feet wide buffer specified in this title, plus a wall with noise abatement features

Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from all property lines
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties

C. Outdoor amusements include such activities as miniature golf, carnivals or midway rides, pony rides, climbing walls, tracks for go-carts and similar vehicles, and other tourist-oriented rides and amusements. Temporary activities or special events that include outdoor amusements are also regulated in subsection 3.2.39.

1. Outdoor amusements may be freestanding, or two (2) or more amusements may be combined on a unified development site.

2. Outdoor amusements may include accessory uses, such as snack shops or food stands, gift shops, ice cream stands, or similar uses, provided that such uses are not open to the public without entrance to the outdoor amusement.

3. Site design standards for outdoor amusements are shown in the table below.

Standards for Outdoor Amusements

Development Feature	Standard
Minimum land area	2 acres
Minimum setback for buildings: • Abutting residential zoning districts • Abutting nonresidential zoning districts	 200 feet 100 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	100 feet
Minimum buffer	35 feet wide buffer, plus a fence or wall
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property

Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines

D. Convention centers, civic centers, centers for performing arts and armories (where activities occur primarily indoors) shall meet the site design standards in the table below.

Standards for Convention, Civic, And Performing Arts Centers and Armories

Development Feature	Standard
Minimum land area	5 acres
Minimum setback for buildings: • Abutting residential zoning districts • Abutting nonresidential zoning districts	 100 feet 50 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	100 feet
Access management traffic flow	Designed to avoid residential and local streets
Minimum buffer	25 feet wide buffer
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Outside storage and loading areas	Fully screened from view from adjacent properties and the public right-of-way Setback a minimum of 100 feet from residentially zoned property
Vibration or electromagnetic interference	Shall not be detectable on adjacent properties

E. Places of worship and similar religious facilities. Religious facilities, together with specified accessory uses and structures, are permitted in the OI zoning districts subject to the standards of the zoning district. Religious facilities, together with specified accessory uses and structures, may be permitted as a conditional use in the RR, SR, C-1 and C-3 zoning districts, subject to the standards of the district and the supplemental standards that are set forth in this section. These facilities are

not permitted in strip mall buildings or similarly constructed properties. Site design standards for places of worship and similar religious facilities are provided in the table below.

Standards for Places of Worship and Similar Religious Facilities

Development Feature	Standard
Minimum site area, including structures and associated parking	2 acres
Road frontage	200 feet
Buffers (sides and rear)	20 feet
Building materials	Brick, stone, stucco, glass, cement fiberboard or masonry materials compatible in the surrounding area
Building setbacks	50 feet from all property lines

1. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the primary use. Such uses and activities shall be limited to the following:
    a. Religious instruction or similar instruction or study which is typically associated with the religion;
    b. Offices to support the establishment;
    c. Child or adult day care center (not on residentially-zoned property);
    d. Private academic school;
    e. Fellowship hall, with or without a kitchen (which may also be known as a community center, activity hall, or life center);
    f. Recreation facilities, including athletic fields;
    g. Individual meeting spaces; and
    h. Parsonage.
2. All accessory uses are subject to the following requirements:
    a. The facility housing the accessory use shall meet all local, state, or federal standards.
    b. The operator of the accessory use shall obtain any licenses that are required to conduct the accessory use. Any approval of the accessory use shall be contingent upon the receipt of all licenses.
    c. Loudspeaker or paging systems shall be located to ensure that they cannot be heard at the property line of adjacent properties.
    d. All outdoor activities shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.
    e. Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property.

f. Outdoor play or activity areas shall be no closer than fifty (50) feet from any residential property line.

3. Child day care centers, adult day care centers, preschools, or child nursery uses are allowable accessory uses, subject to the following standards:

   a. The total floor area that is allocated to the child day care center, adult day care center, preschool, or nursery uses shall not exceed fifty (50) percent of the total floor area on the site. The calculation of total floor area that is allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, and nursery facilities, as well as related mechanical and support facilities.

   b. An off-street drop-off area for persons who are served by the facility shall be provided. The entrance and vehicle drop-off points shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.

4. Private academic schools are allowable accessory uses subject to the following standards:

   a. The total floor area that is allocated to the school shall not exceed fifty (50) percent of the total floor area on the site. The calculation of the total floor area that is allocated to the school shall include all classrooms, school library, school offices, teacher work areas, and the like, including related mechanical and support facilities.

   b. Notwithstanding provision number 5 below, the total floor area that is allocated to the school may exceed twenty (20) percent of the total floor area on the site, provided that the area that is allocated to the school meets the requirements of subsection 3.2.33.

   c. The entrance and vehicle drop-off points for students shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.

5. A fellowship hall is an allowable accessory use, provided that the total floor area which is allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed thirty-five (35) percent of the total floor area on the site.

6. One (1) dwelling unit to serve as a parsonage may be established, subject to the following standards:

   a. The lot area within the parcel that is developed for religious uses and facilities to be devoted to the dwelling unit ("parsonage lot") shall have a minimum area of eight thousand (8,000) square feet. The parsonage lot shall be used exclusively for the dwelling unit, and it shall not include any primary or other accessory use that is allowable on the site. The parsonage lot shall not be used for any support activity to the primary or accessory uses, such as outdoor play areas, storage, or parking, other than as specifically provided for herein.

b. The maximum lot coverage for the parsonage lot shall be thirty-five (35) percent.

c. Two (2) parking spaces shall be provided within the parsonage lot.

d. The maximum building height on the parsonage lot shall be thirty-five (35) feet.

e. The parsonage lot may contain children's outdoor play equipment in a size and quantity that is typical of residential uses.

f. The parsonage lot may contain a residential swimming pool, which is fully enclosed, and attached to the dwelling.

7. A specific parking plan shall be provided. This plan shall identify the principal use and each accessory use that is proposed on the site. The parking plan shall indicate the hours of operation and the peak times of use (parking demand) for the primary use, as well as for and each accessory use on the site. The parking standards for the principal use and each accessory use shall be identified based upon Unified Development Code requirements that are set forth in Section 4.7 Parking Requirements. The parking plan may propose reduced or shared parking, as set forth in Subsection 4.7.8. The parking plan shall indicate areas that are designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

8. For religious facilities that exceed ten thousand (10,000) square feet in total floor area, excluding the parsonage, if any, the minimum setback from any property line that is otherwise required shall increase five (5) feet for each two thousand (2,000) square feet, or portion thereof, over ten thousand (10,000) square feet.

F. Athletic fields may be located in any zoning district, and they shall meet the site design standards in the table below.

Standards for Athletic Fields

Development Feature	Standard
Minimum site area, including structures and associated parking	1 acre
Road frontage	100 feet
Buffers (sides and rear)	20 feet
Building materials	Brick, stone, stucco, glass, cement fiberboard or masonry materials compatible with structures in the surrounding area
Building setbacks	50 feet from all property lines
Lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Loudspeakers or paging systems	Designed, installed, and used such that they are in accordance with the City Noise Ordinance
Parking lot design	Aisles may be paved. Spaces may be paved, grass, dirt, or gravel

3.2.25 Mines and Quarries.

A. The development of natural resources, including removal of minerals and other natural materials, together with necessary buildings and machinery, is allowed in the HI zoning district, subject to applicable law and the supplemental standards of this section.

B. Where an existing quarry is proposed for extension or expansion beyond the property lines of the quarry area, such extension or expansion shall be considered as a new operation, subject to the standards that are set forth in this section.

C. The area where mining or quarrying operations are conducted shall be fully enclosed with a fence or wall, and they must meet the following requirements:

   1. The fence or wall shall be located at least ten (10) feet from the edge of any excavation.

   2. The fence or wall shall be designed and installed to ensure safety and security of the site, and to prevent any entrance to the site by animals and unauthorized persons.

D. Product piles, spoil piles, or any other accumulation of by-products shall not exceed thirty-five (35) feet in height above the original contour of the site.

E. Roads within the excavation site shall be surfaced with a dust-free material.

F. A mining land use plan, conforming to the requirements of federal and state law, shall be required prior to the approval of any mining or quarrying activity.

3.2.26 RESERVED

3.2.27 Outside Storage.

A. The following activities are only permitted in the C-3, LI, and HI zoning districts.

B. The outside storage of machinery and equipment, service areas for vehicles in need of major service or repair, and materials for construction or distribution.

C. Outside storage involving machinery and equipment is only permitted on lots in the RR zoning district that are not within a subdivision, and which have a minimum lot area of two acres, provided that such storage is not visible from the public right-of-way.

D. Outside storage shall be located within a rear yard or side yard.

E. Outside storage shall be fully concealed with a solid fence, in addition to any buffer requirements set forth in title.

F. Outside storage of parts and materials, service areas, refuse, or work areas shall be maintained in a neat and orderly manner.

G. No materials shall be stored within any required buffers.

H. No outside storage of seafaring containers shall be allowed.

3.2.28 Personal Care Homes, Group Homes, and Boarding Home Having 2 or Less Persons.

Each personal care home, boarding home, and group home having two (2) or less persons shall be subject to the following requirements:

A. All regulated facilities shall comply with State laws and regulations and acquire applicable State licenses for operation.
B. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs shall be erected.
C. Meet all regulations as identified in the adopted building code and adopted fire code.
D. Meet all parking standards.
E. All facilities must apply for and receive a City Business License.

Standards for Personal Care Homes, Group homes and Boarding Homes having 2 or less persons

Development Feature	Standard
Distance from similar facility	At least one thousand five hundred (1,500) feet.
Fence Requirement	In residential districts – properties must be fenced in the rear yard.
Building Requirement	Must not be within a subdivision

3.2.29 Personal Care Homes, Group Homes, and Boarding Home Having 3 or More Persons.

Each personal care home, boarding home, and group home having three (3) or more persons shall apply for and obtain a conditional use permit from the City Council and comply with the following requirements:

A. All regulated facilities shall comply with State laws and regulations and acquire applicable State licenses for operation.
B. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs shall be erected.
C. Meet all regulations as identified in the adopted building code and adopted fire code.
D. Meet all parking standards as identified.
E. All facilities must apply for and receive a City Business License.

Standards for Personal Care Homes, Group homes and Boarding Homes having 3 or more persons

Development Feature	Standard
Minimum Lot Size	Residential - one (1) acre. Commercial - 30,000 sq ft.
Distance from similar facility	At least one thousand five hundred (1,500) feet.
Building Requirement	Must not be within a subdivision

3.2.30 Relocated Structures.

A. Applicability. Except as provided in this section, no application for a relocated structure permit shall be approved, nor shall any structure be moved or occupied prior to meeting all requirements of this section.

B. A relocated dwelling is defined as a pre-existing structure which has been moved to another property or to a different location on the same property. Factory-built modular and manufactured homes are exempt from this section.

C. Relocated dwellings shall be a permitted use in the RR (rural residential) zoning district, only as defined above and subject to all lot size and setback requirements of the RR district. Relocated dwellings shall be subject to all regulations of the Henry County Health Department concerning on-site sewage disposal facilities and private wells.

D. Preliminary Inspections. No building permit application for a relocated structure shall be approved until a complete inspection of the structure is made by the City. An application for a relocated structure inspection shall be completed on forms that are provided by the Community Development Director prior to the inspection being made. The inspection shall determine compliance or the feasibility of the compliance to all existing building codes, development codes, and ordinances which have been adopted by the Mayor and City Council. Depending upon the size, age, condition or design of the structure, the Community Development Director may require an inspection and report from a structural engineer to evaluate the suitability of the structure for relocating. The engineering inspection and report fee for the relocated structure shall be paid by the applicant. If the Community Development Director determines that compliance with existing codes is not feasible, the application for the building permit shall be denied. All such denials shall be in writing specifying the reasons therefore and shall be signed by the Community Development Director.

E. Follow-up Inspection. Following relocation of the structure and prior to and for re-inspecting, the owner of the relocated structure shall, at the owner's choice, remove either the interior wall covering on all exterior walls or the exterior wall covering on all exterior walls. If necessary, and at the direction of the Community Development Director regarding the interior load-bearing walls, the owner shall remove one side of these interior walls and the City shall then

re-inspect the structure to ensure that its structural integrity has not been compromised and that any required improvements remain feasible.

F. Inspection Fee. The inspection fee shall be as set forth in the fee schedule established by the City which shall be paid to the City prior to the inspection being made.

G. Performance Letter of Credit or Escrow Letter of Surety Required of Owner of the Structure. To ensure that the structure will meet all current building construction codes of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within six months from the date of issuance of the building permit, the owner of the relocated structure shall provide an irrevocable letter of credit or irrevocable bank escrow letter of surety in the amount of ten thousand dollars ($10,000.00) in a form that is approved by the City Attorney. Such irrevocable letters of credit or irrevocable bank escrow letters of surety shall be issued from a federally insured banking institution.

H. Building Permit. A building permit shall be obtained from the Building Safety Division for a relocated structure prior to locating such structure on a lot. The fee for the permit shall be as set forth in the City of Stockbridge Fee Schedule.

I. Owner Certification. All applications for permit shall be accompanied by a Sworn Affidavit that the applicant is the owner of the relocated structure and the owner of real property on which the structure is to be relocated. Prior to occupancy, the owner shall be required to obtain a Certificate of Occupancy (CO).

J. Route Approval.

1. Structures to Be Located Within the City of Stockbridge. Prior to the issuance of a permit for a relocated structure, the applicant must first submit and receive approval from the Police Department and the City of Stockbridge regarding the proposed route. The applicant shall provide the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route, and the name of the insurance company. Such approval and information must be on forms that are furnished by the Community Development Director.

2. Structures to Be Located Outside of the City of Stockbridge. Prior to moving a pre-existing structure through the City of Stockbridge, routes must be approved by the Police Department and the City of Stockbridge on forms provided by the Director. The applicant shall provide the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Required police escort must be prearranged with the Police Department three (3) business days prior to moving a structure through the City of Stockbridge. Moving of such structures through the City of Stockbridge shall only be allowed on routes that are approved by the City of Stockbridge.

K. Requirements for Moving Companies. Any firm or individual who is moving structures into or through the City of Stockbridge shall provide a valid copy of the Georgia Department of

Transportation Oversize/Overweight Permit for the structures and a certificate of liability insurance, naming the City of Stockbridge as the certificate holder, that meets or exceeds the minimum insurance standards that are required by the Georgia Department of Transportation.

L. Guarantee of Completion. No application for a building permit shall be approved until a performance bond, an irrevocable letter of credit, or an irrevocable bank escrow letter of surety is first provided, as is referred to in Subsection G., above.

M. Time of Completion. The work that is authorized by any permit for a relocated structure must be completed in compliance with all codes and ordinances of the City of Stockbridge within six (6) months from the date of issuance of the building permit, unless it is extended as provided herein. In the event that such a structure is not in compliance and/or is not completed within the specified time limit, the building official shall notify the owner in writing, giving specific causes of noncompliance or non-completion. Upon notification, the owner shall have thirty (30) calendar days to correct such noncompliance or non-completion. Failure of the owner to correct causes of noncompliance or non-completion, and the owner has not received an extension of completion time, shall cause a notice to move or demolish such structure to be issued to the owner immediately. Failure to move or demolish such structure within ten (10) calendar days of such notice being given shall be deemed a violation of this section and shall be punishable in the municipal court of the City of Stockbridge and the Director shall authorize the surety or bank issuing the irrevocable letter of credit or escrow letter of surety to release all funds to the City.

N. Extension of Completion Time. The Community Development Director may issue a 90-day extension of completion time for cause beyond the original six-month compliance/completion period upon the receipt of a written request by the owner stating the reason for the extension and payment of applicable fees. A second, 90-day extension may be issued following the first, 90-day extension upon written request by the owner stating the reason for the second request. Approval or denial of an extension shall be in writing and shall be signed by the Building Official. Permission for a greater extension of time may only be granted by Mayor and City Council in regular session. Applications brought before the Mayor and City Council shall be on forms provided by the Community Development Director. An extension of the irrevocable letter of credit, or irrevocable bank escrow letter of surety, may be required if sufficient time does not remain on the performance irrevocable letter of credit or irrevocable bank escrow letter of surety to ensure that the structure will meet all current building construction codes of the City of Stockbridge and that the renovation of the relocated structure is completed and ready for occupancy within the specified time. Fees for each extension shall be as set forth by the City.

O. Certification of Occupancy. A Certificate of Occupancy shall be issued upon the passing of a final inspection of a structure and shall verify the completion requirements of this section, including compliance with all existing building and life safety codes.

3.2.31 Roadside Produce Stands.

A. A roadside produce stand is permitted in the RR zoning district, subject to the site design standards of the district, and the standards of this section.

B. Roadside stands are allowable for the sale of vegetables, fruit, produce, eggs, or other agricultural products that are grown on the premises. Agricultural products shall not include poultry or livestock.

C. Roadside and produce stands shall meet the site design standards below.

Standards for Roadside Produce Stands

Development Feature	Standard
Maximum building area	500 square feet
Building or structure setback	10 feet
Parking	Parking shall be provided out of the right-of-way. Parking areas shall be paved, gravel, or be of another dust-free surface.
Outside storage of boxes, crates, pallets	Fully screened from visibility from the right-of-way
Exterior lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property.

3.2.32 Salvage Yards or Junkyards and Wrecker Services (with Storage Area).

A. Salvage yards and junkyards are permitted in the HI zoning districts, subject to the standards of the district and the supplemental standards in this section. In addition, salvage yards shall be required to have a minimum lot size of two (2) acres.

B. The site design standards for salvage yards and junkyards are set forth in the table below.

Standards for Salvage Yards and Junkyards

Development Feature	Standard
Minimum setback	200 feet from all abutting property lines
Screening (fence) required	Solid wall or solid fence
Minimum height	6 feet
Minimum setback	100 feet from all property lines
Storage of salvaged or junk materials	Shall not exceed the height of the fence or wall
Buffers	40 feet on all property lines

C. Sanitary landfills shall not be permitted.

D. Wrecker services (with storage areas) are a conditional use in the HI zoning districts, subject to the standards of the districts and the supplemental standards of this section

E. The site design standards for wrecker services (with storage areas) are set forth in the table below.

Standards for Wrecker Services (with storage areas)

Development Feature	Standard
Minimum lot size	2 acres
Screening requirements for storage area Minimum height	Solid wall or solid fence 6 feet
Placement	Behind the rear drip line of the office/primary structure.
Minimum buffer	30 feet wide for any portion of property adjacent to residential or commercially zoned property. 15 feet for any portion of property adjacent to industrial zoned property.
Storage of vehicles	Towed vehicles shall be stored within an enclosed, secured area which is not accessible to the public. No wrecked vehicles shall be stacked within the storage area. Storage of non-business-related vehicles is prohibited. Storage areas must be, at a minimum, covered with gravel.
Minimum size of office/primary structure	1,000 square feet, providing restroom facilities and reception area.
Building materials	Masonry front facade
Off-street parking requirements	1 space for each 10,000 square feet of site area or portion thereof, and 1 space for every 300 square feet of professional office space. All required off-street parking shall be located outside of any secured vehicle storage area. Driveway/entrance and public parking area outside of storage areas shall be paved with a dust-free surface.

3.2.33 Schools, Academic, Public or Private.

A. Public or private academic schools are permitted in the following zoning districts: OI, C-1, C-2, or PUD, subject to the standards of the zoning district, and the supplemental standards of this section:

B. The site design standards presented in the table below.

Standards for Public and Private Schools

Development Feature	Standard
Minimum site area	3 acres
Minimum lot width	200 feet
Buffers	20 feet or zoning district standards, whichever is greater
Outdoor recreation areas	Setback a minimum of 75 feet from any property zoned or used for residential purposes Fully enclosed by a solid decorative fence, a minimum of four feet in height

Outdoor lighting	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property
Drop-off and pick-up areas	Designed and located away from residential areas Separated from parking areas

3.2.34 Self-Service Storage Facilities.

A. Self-service storage facilities, also called mini-storage or self-storage, are permitted in the C-3, LI, and HI zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.

B. The following activities or uses are prohibited on the grounds or within the buildings of self-service storage facilities:

1. Wholesale sales;
2. Retail sales, including garage sales, or other commercial activities;
3. Manufacturing, fabrication, processing, or other industrial activity;
4. Service or repair of vehicles, engines, electronic equipment or similar activities;
5. Rehearsal or practice of musical instruments;
6. Residential and office uses.
7. Storage of flammable liquids, highly-combustible or explosive materials, or hazardous wastes or chemicals is prohibited.

C. Notwithstanding the limitations described in above, the following activities may be conducted:

1. Rental of storage bays.
2. Truck rental business, limited to a maximum of twenty-five (25) percent of the gross site area.
3. Sales of boxes or goods related directly to the operation of a self-service storage facility.
4. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.

D. Except as specifically provided in this section, all property stored on the site shall be entirely within enclosed buildings.

E. As an accessory use, one (1) dwelling unit may be established for security personnel, management personnel, or the facility owner.

F. The site design requirements presented in the table below.

Standards for Self-Service Storage Facilities

Development Feature	Standard
Minimum site area	2.5 acres
Maximum site area	5.0 acres
Minimum lot width	100 feet
Minimum setbacks for buildings:	
• Front yard	75 feet
• Side yard	25 feet
• Rear yard	25 feet
Buffer requirements, adjacent to the following districts:	
• Residentially zoned districts:	40 feet
• OI or C-1	30 feet
• C-2	15 feet
• C-3	10 feet
• LI or HI	10 feet
• Interstate highway	75 feet
Dumpsters and trash containers	Fully screened from view from residentially zoned properties and public right-of-way
Outdoor lighting Adjacent to residentially zoned districts	Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property Maximum height of 15 feet
Loudspeakers and paging equipment	Prohibited

H. The design standards which are presented the table below are required for self-service storage buildings:

Standards for Self-Service Storage Facilities

Development Feature	Standard
Building separation (2 or more buildings on the site)	12 feet
Overhead access doors	Shall not be visible from residentially zoned property, commercially zoned property, or the public right-of-way
Storage bays	
• Minimum size	4 feet by 4 feet (16 square feet)
• Maximum size	20 feet by 80 feet (1,600 square feet)
Maximum building height, including all roof-mounted air conditioning and other equipment	35 feet
Exterior facade	Fully consistent with color, materials, and design of buildings in the surrounding area Metal exterior walls are prohibited.
Roof design	Type of roof, roof line, and roofing materials shall be fully consistent with buildings in the surrounding area

I. Outdoor (open) storage is permitted, subject to the standards that are set forth in the table below.

Standards for Outdoor Storage at Self-Service Storage Facilities

Development Feature	Standard
Type of goods to be stored	Limited to recreational vehicles and boats on trailers Dry stacking of boats when covered to provide screening from view Abandoned, wrecked, or junked vehicles are prohibited
Maximum area devoted to outdoor storage	25 percent of building area of the site
Screening	Fully screened from view from adjacent residentially zoned districts, from adjacent office areas, and from public right-of-way Screening may be a solid fence, solid wall, other similar structure, or landscaping
Fencing required	Minimum of 6 feet in height Maximum of 8 feet in height Decorative wall or fence required, with brick, stone, masonry, wood, chain link, or similar material
Fence location	May be either in front of or behind the buffer
Security	Gate, equipped with alarm and keyless opening required

J. Traffic circulation requirements.

1. Traffic lane widths shall be established to provide for the adequate circulation, safety, and accessibility of trucks, cars, and individuals who utilize dead storage in such facilities.
2. The minimum traffic lane width shall be twenty-five (25) feet.
3. The maximum traffic lane width shall be forty (40) feet.
4. Traffic flow patterns, directional signage, and painted land markings with arrows shall also be clearly marked.
5. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the Community Development Director at the time of the preliminary plan review.
6. There shall be no aisle ways or other vehicular access ways located in the buffer area or within the designated rights-of-way.

K. The standards that are set forth in the table below required for landscaping.

Standards for Self-Service Storage Facilities

Development Feature	Standard
Location	Inside the fenced area Designed, placed, and maintained so as not to interfere with traffic visibility
Width	15 feet on all street frontages Side and rear yard landscaped areas maintained in natural state to the maximum extent possible
Amount of landscaping	15 percent of the site
Plant materials	Selected from lists [pending]
• Trees	1 medium or small tree per 20 linear feet
• Height at planting	8 feet, 1 shrub per 24 inches
• Hedges	24 inches in height at planting

3.2.35 Senior Adult Housing.

The purpose of this section is to determine where age-restricted adult housing may be located and to provide minimum standards. The intent of this section is to encourage age-appropriate housing for persons with mobility, sensory, and cognitive limitations. Though these regulations require that over-all developments feature a measure of accessibility, full accessibility is encouraged. Accessibility is defined by the Georgia Accessibility Code as amended, and any age-restricted adult housing development must meet the same standards required by Georgia Accessibility Code 120-3-20-.54 in order to be considered fully accessible.

Senior adult housing may be allowed in the following zoning districts as either the primary use or as a supplemental use, in addition to another permitted use: RR, SR, CCR, and MFR, provided that, at a minimum, the following restrictions apply. Final plats and all required construction documents shall include a notation specifying "Age-Restricted Adult Housing. The development standards for senior adult housing are listed below. Developments must also comply with the districts in which they are located, including any overlay districts. In this section, “senior adult housing” does not include assisted living facilities or nursing homes.

A. Unit types allowed:

   1. Only single-family detached units may be allowed in RR and SR districts.

   2. Only multifamily units may be allowed in CCR and MFR district.

B. The development shall have a minimum of twenty (20) dwelling units.

C. The maximum net density shall meet the future land use plan requirements.

D. At least forty (40) percent of the gross site area shall be open space. The open space shall provide amenities such as pathways, seating areas, and recreation areas for residents. The open space shall be protective of natural features.

E. At least one (1) on-site community building or interior community space shall be provided which contains a minimum of the following heated floor area:

   1. Twenty (20) square feet of heated floor area per dwelling unit for the first ninety-nine (99) units with a minimum of five hundred (500) square feet; and

   2. Ten (10) square feet of heated floor area per additional dwelling unit.

F. For phased development-Open space, recreational facilities, and other accessory facilities shall be provided in each phase to meet the requirements as stated herein of the residents of each phase. The developer shall provide a schedule for the installation of facilities at the time of the first permit approval.

G. At the time of the first permit application, the developer shall establish how the age restrictions will be implemented and maintained over time. If the development is anything other than a rental community under single ownership, a common entity such as a condominium association, a homeowners’ association, or a property management company shall be established to maintain and enforce the age restrictions in addition to the City of Stockbridge enforcement of zoning regulations.

H. The minimum unit size shall be 1,200 square feet.

I. All open space, common areas, and related improvements shall be fully accessible and shall be managed and maintained by the owner of the development or a common entity such as a condominium association, or a homeowner’s association.

J. Any structure within the development may be fully accessible; however, the minimum standards of this section shall be met. The development shall incorporate universal design

features, as are listed below. The application shall include descriptions of the universal design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material that is submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility, sensory, or otherwise functional limitations; and how the design will provide accessible routes between parking areas, sidewalks, the front doors of the dwelling units, and common areas. These routes shall be a minimum of ten (10) feet wide, allowing mobility-enhancing devices to meet and pass safely.

1. "No-step" (maximum vertical floor level change of one-quarter (¼) inch, except where a tapered threshold is used, which has a maximum height of one-half (½) inch) access to the front door entrance to all dwelling units and community buildings is required. If a no-step front entrance is not feasible, an alternate no-step walkway to the front floor may be approved.
2. A minimum thirty-six (36) inch wide front door with exterior lighting at the entrance is required. Exterior doors shall be provided with an artificial light source located in the immediate vicinity of the exterior door. The illumination of the exterior light shall be controlled from inside the dwelling, except for lights that are continuously illuminated or automatically controlled.
3. All interior doorways must have a minimum of thirty-two-inch clear width in the open position — typically a thirty-six-inch door.
4. A thirty-six (36) inch fully accessible route must connect throughout the floor which is served by the front door of the dwelling unit. The maximum vertical floor level change is one-quarter (¼) inch, except where a tapered threshold is used, which has a maximum height of one-half (½) inch.
5. A complete living area including, but not limited to, kitchen, master bedroom, and bathroom, shall be located on the floor served by the front door of the dwelling unit.
6. Lever handles are required on all interior and exterior doors.
7. Clear floor space of thirty (30) inches by forty-eight (48) inches shall be provided and centered on each appliance and fixture in the kitchen. Floor space can overlap.
8. Walls shall be reinforced (blocked) to allow for the later installation of grab bars around the toilet, tub, and shower stall; and of wall-hung bench shower seat.
9. Maneuvering space shall be provided within the bathroom to permit a person using a mobility aid to enter the room, close the door, and reopen the door with a clear floor space of thirty (30) inches by forty-eight (48) inches. Clear floor space of thirty (30) inches by forty-eight (48) inches shall be provided and centered on each fixture in the bathroom. Floor space may overlap.
10. Wall-mounted electrical outlets, light switches, and environmental controls shall be mounted for a reaching range of a minimum of fifteen (15) inches to a maximum of forty-

eight (48) inches above the floor. Such wall-mounted devices shall be of a contrasting color with the wall.

3.2.36 Small Box Discount Stores.

Small Box Discount Store: A retail establishment (a) with floor area of less than twelve thousand (12,000) square feet (b) that primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and (c) continuously offers and advertises a majority of the items in their inventory for sale at a price less than $10.00 per item. Small Box Discount Store shall not include the following: drug stores or a convenience store attached to or collocated with gas stations.

To avoid over-concentration, a small box discount store must be separated from another small box discount store within or outside the City by a minimum distance of five (5) miles. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by a small box discount store to the nearest point on a lot line of the other property occupied by a small box discount store.

3.2.37 Solar Energy Systems

A. Definitions.

1. ***Solar Energy System (SES)*** means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.
    i. For purposes of the City of Stockbridge UDC, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.
    ii. SES as used in the City of Stockbridge zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.
2. **Integrated Solar Energy System** means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
3. ***Rooftop Solar Energy System*** means an SES that is structurally mounted to the roof of a hou se, building, or other structure and does not qualify as an Integrated SES.
4. ***Ground Mounted Solar Energy System*** means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the City of Stockbridge UDC , any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted. The ***Footprint*** of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment

necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint. Ground Mounted SESs shall be delineated by size as follows:

i. ***Small Scale Ground Mounted Solar Energy System (Small Scale SES)*** means a Ground Mounted SES with a Footprint of less than two [2] acres.

ii. **Intermediate Scale Ground Mounted Solar Energy System** (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

iii. ***Large Scale Ground Mounted Solar Energy System (Large Scale SES)*** means a Ground Mounted SES with a Footprint of more than [15] acres.

B. **Applicability.** Any SES that, prior to the effective date of this ordinance: is in operation, is being lawfully sited, constructed, or installed; or has caused the incurrence of substantial liabilities relating to siting, construction, or installation; shall be exempt from complying with these supplemental regulations unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than 10% after [the effective date of this ordinance].

C. **General Requirements for All Solar Energy Systems.** The following requirements apply to all SES's.

1. **Height.** An Integrated or Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

2. **Impervious Surface**. Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the Stockbridge zoning code's impervious surface coverage requirements, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervi ous surface and into the subsoil.

3. **Lighting**. To reduce light pollution, lighting of a Ground Mounted SES shall:

   i. be limited to the minimum reasonably necessary for its safe operation;

   ii. be directed downward where reasonably feasible;

   iii. incorporate full cut-off fixtures; and

   iv. reasonably utilize motion sensors.

4. **Tree Removal**. The removal of trees or natural vegetation for any SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of t he City of Stockbridge UDC.

5. **Location.** All Ground Mounted SES's permitted as an accessory use, in any district, must be located in the rear yard of the property and must be screened so as not visible from the public right-of-way.

6. **Decommissioning**. Decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy. Within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use.

D. **Specific Requirements for Intermediate and Large-Scale Solar Energy Systems**. The following requirements apply to Intermediate and Large-Scale SESs, in addition to the general requirements in this ordinance that apply to all SESs.

1. **Setbacks**. An Intermediate or Large Scale SES shall comply with the following setback requirements: the Intermediate or Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any; the Intermediate or Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and the Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot. The Large-Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

2. **Visual Buffers.** An Intermediate or Large-Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural landforms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable.

3. **Signage**. An Intermediate or Large-Scale SES: shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number; shall comply with the requirements of the applicable zoning district for displaying any advertisement; and may have signs that contain educational information about the SES.

3.2.38 Swimming Pools and Pool Enclosures.

A. Swimming pools accessory to residences shall be constructed in accordance with the applicable Swimming Pool Code and shall be approved by the Community Development Department prior to obtaining a building permit.

B. All residential accessory swimming pools shall meet the following standards:

1. A swimming pool shall comply with minimum side and rear yard setbacks for accessory structures. Setbacks for accessory swimming pools shall be measured from the decking or closed part of the pool structure to the property line.

2. A pool shall be enclosed by a security fence of not less than four (4) feet in height from ground level. Security fence shall not be required for above ground pools that are greater than four feet in height, provided that the entrance to such pools shall be restricted with

a gate. A gate shall be installed at all entrances to any deck structure which is attached to such pool and/or at all ladder structures accessing such pool.

3. All gates that are attached to such security fences shall contain self-closing positive latch devices to ensure that the pool is enclosed and secure at all times.

4. The required security fence shall be installed prior to occupancy or any use of the swimming pool.

5. No ladders shall be affixed to a pool for purposes of entry or exit while self-closing positive latch entrance gates are open.

6. All security fences shall be installed with a solid and permanent foundation, which shall include fastening such materials a minimum of one foot into the ground.

7. A security fence may include decorative materials, such as brick, wrought iron, stone, wood, or masonry.

C. Any constructed or prefabricated pool that is used other than in conjunction with a private single-family residence shall be deemed a public swimming pool.

1. Public pools, including, but not limited to, those which are built and operated by a public agency, or as part of a multiple-family residential development, a subdivision association, a two-family residential development, a condominium association, or a private club, shall be enclosed by a security fence of not less than five feet in height and have permitted landscaping installed, as approved by the Community Development Director.

2. Security fences shall be transparent and shall not include privacy fences or fences that obstruct the view of the pool from the outside.

3. Security fencing and gates shall comply with the standards in this section listed above.

4. Swimming pools shall comply with the standard setback requirements of the zoning district in which the property is located.

3.2.39 Temporary Structures and Uses.

A temporary building or use in connection with a construction project or subdivision development shall be permitted on the property during the construction period. The following standards shall be met by temporary uses that are established during construction or land subdivision:

A. A building permit shall be required.

B. Timeframe to utilize temporary structures.

1. Temporary structures related to a subdivision development shall be removed when 80 percent of all lots are occupied by completed homes or within four (4) years of issuance of the permit, whichever occurs first. For all types of projects, if construction becomes inactive for twelve months, then any existing temporary structures must be removed within 90 days.

2. The Community Development Director may issue a one-time, one-year extension of completion time for cause beyond the original completion period upon written request by the owner including the reason for the request and an updated account of completed houses within the subdivision. Approval will be based upon, but not limited to, current maintenance and aesthetics of the temporary structure and property, and verification that all required erosion control measures are in place. Applicants shall apply for the one-time extension within 30 business days of the expiration date of the temporary structure permit. Granted or denied extensions of the compliance/completion period shall be in writing and signed by the building official within ten (10) business days. All extension approvals will be subject to a fifty-dollar ($50.00) renewal fee as established from time to time.

C. Temporary offices to be used for administrative functions during construction may be located on a construction site. The proposed construction building shall meet tie-down requirements for mobile home structures and have a current contract for sewage pump-out. Construction buildings shall be removed within thirty (30) days of completion of the construction site for which they are permitted.

D. On-site outdoor storage of equipment and construction materials shall be allowed during the period of construction.

E. Portable toilet facilities shall be allowed, provided that applicable industry hygiene standards are maintained.

F. Construction and demolition debris dumpsters are allowed, provided that an active building permit is maintained. Such dumpsters shall be removed within ten (10) calendar days of issuance of a C.O. or expiration of the building permit. Dumpsters are not required to be screened.

G. A temporary office that meets parking, handicapped, and landscape requirements shall be allowed. A temporary office may be used for sales functions or sales offices, allowing for the sale, resale or marketing of dwellings, structures or property within the development in which it is located, or adjacent developments under the same ownership and control; and

H. On-site temporary use of structures and equipment for the building of roads, public utilities and government projects shall be allowed.

3.2.40 Truck Stops.

A. Truck stops (or truck service centers) are a conditional use in the HI zoning district only, subject to the site design standards for the district, any overlay district, and the specific site design standards in this section.

B. Truck stops may include the following activities and uses: sale of fuel, oil, lubricants, and similar products; sale of small automotive accessories; sale of food and sundries; convenience store; restaurant drive-up windows; inspection stations for emissions; or truck wash. Truck stops shall not include repair shops, body shops, paint shops, or paint booths.

C. Design standards for truck stops are indicated in the table below.

Standards for Truck Stops

Development Feature	Standard
Minimum setbacks:	
• Abutting residentially-zoned property— Principal building and/or gas pumps and canopy, where side and rear lot lines	60 feet
• Abutting nonresidential zoning districts-- Principal building, side and rear lot lines	40 feet
Access requirements for corner lots	Access drives shall be a minimum of 40 feet from the intersection of street right-of-way lines
Buffer, adjacent to residentially zoned property	40 feet wide, plus a solid wall or solid fence not less than 6 feet in height

Chapter 4: DEVELOPMENT STANDARDS

4.1 Purpose.

The purpose of this chapter is to provide site design and development standards applicable to both public and private development within the City of Stockbridge. More specifically, the purposes of the regulations set forth in this Chapter are to ensure the proper location, height, bulk and size of buildings and other structures; to ensure the proper size of yards and other features of a development site; to ensure the proper layout and design of subdivisions; and to provide for compatibility between proposed and existing development.

4.2 Expansion or Modification of Existing Uses and Structures.

No structure, parking area, or other site feature regulated by this Code shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the portion of the site affected must meet the requirements of this Chapter.

An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds twenty-five (25) percent of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

4.3 Site Design Standards.

4.3.1 Design Standards for Lots.

A. Only one (1) principal dwelling and its allowable accessory buildings may hereafter be erected on any one (1) lot in any single family or two-family residential district. Where contiguous lots have been combined, the combined lot shall be considered one (1) lot.

B. Except as specifically provided in this Unified Development Code, no lot existing at the time of adoption of this Unified Development Code shall be reduced, divided, or otherwise altered to produce a lot or tract of land that does not comply with the minimum dimensional standards of the applicable zoning district.

C. Land that is acquired, dedicated, or donated and accepted for public use is exempt from the requirements of this Chapter.

D. Measurement of lot width:

1. Lot width shall be measured at the right-of-way, along the frontage of the lot, except for cul-de-sac lots.

2. For cul-de-sac lots, lot width shall be measured at the right-of-way and shall be a minimum of fifty (50) percent of the required width of the zoning district requirement.

4.3.2 Dimensional Standards for Building Height and Location.

A. Applicability of Height Standards. The height limitations of this section shall not apply to places of worship spires or other such structures, belfries, flagpoles, monuments, cupolas, domes, ornamental towers or observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or antennas.

B. Measurement of Setbacks. Setbacks shall be measured from the front, side or rear property line to the nearest building or structure.

C. Encroachments into Required Setbacks.

1. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project up to three (3) feet beyond a required setback line, except where such projections would obstruct driveways that are used or may be used for access by service or emergency vehicles.

2. In the case of automobile service stations, hotels, and similar uses that serve the motoring public, canopies shall be allowed over a driveway or walkway within the front or side yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line or future right-of-way line as designated by the comprehensive transportation plan.

D. Setback Requirements for Corner Lots for both the Primary and Secondary Structures.

1. Side yard setback requirements from the right-of-way of abutting streets shall be equal to seventy-five (75) percent of the front yard setback.

2. For purposes of this section, a dwelling may be construed to be fronting on a street other than the street that the front entrance faces. In this situation, development plans and plats shall clearly identify the front, side, and rear yards. Setbacks for side and rear yards shall be established according to the standards of each district.

E. Property with a side lot line adjacent to a railroad right-of-way shall provide a ten-feet side yard setback.

F. The building setback for a through lot having frontage on two (2) roads that is not a corner lot shall be equal to the front yard setback for the district in which the lot is located.

4.3.3 Open Space Standards.

A. Development over five (5) acres in any zoning district shall provide public spaces, subject to the following requirements:

1. An area equal to one (1) percent of the total floor area proposed for the development shall be provided as public space.

2. The following types of spaces may be provided:

    a. Transit stops.

    b. Plazas.

    c. Courtyards.

    d. Atriums.

    e. Pavilions or other similar public spaces.

3. Public spaces shall be within view of a street or public area and accessible by pedestrians.

B. Development over five (5) acres in any zoning district shall provide open space, subject to the following requirements:

1. A minimum of five (5) percent of the total land area shall be devoted to open space. The required open space shall not be counted toward required landscaping, required buffers, stormwater management facilities or required public space.

2. The following types of open spaces may be provided:

a. Parks.

b. Playgrounds.

c. Picnic grounds.

d. Playing fields or courts.

e. Trails for jogging or biking.

f. Passive open space.

3. Open spaces shall be accessible to pedestrians and bicyclists.

4. The type and design of open space shall be consistent with the type of development proposed within the mixed use area. Passive open spaces are appropriate as a means of protecting views and natural features. Playgrounds, fields and courts are appropriate in or near residential developments.

4.3.4 Outdoor Lighting Standards.

The intent of this Unified Development Code is to preserve, protect and enhance the lawful nighttime use and enjoyment of all property through use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed and installed to control glare, minimize obtrusive light and conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

A. Establishing Lighting: Lighting in all districts shall be established in a manner that no direct light is cast upon or adversely affects adjacent properties or roadways. This section shall not apply to lighting established by governmental authority within public rights-of-way.

B. Submittal Requirements: The applicant for any permit involving outdoor lighting fixtures governed by this section shall submit, as part of the site plan, evidence that the proposed work will comply with this section. The following information shall be included in all nonresidential site plan submissions and all plans for uses ancillary to residential uses such as clubhouses, amenity areas, etc.:

1. Location, type and height of all freestanding, building-mounted and canopy light fixtures, shall be shown on the site plan and building elevations.

2. Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site (in foot-candles). No certificate of occupancy or certificate of completion shall be issued until the photometric grid has been approved by the Director.

3. Specifications and details for the fixture type being proposed, including the total lumen output, type of lamp and method of shielding.

4. Use of fixture proposed; and

5. Any other information deemed necessary by the Director.

C. General Provisions: The design and illumination standards of this Unified Development Code shall apply to all exterior lighting sources and other light sources visible from the public right-of-way or adjacent parcels, except where specifically exempted herein.

1. Shielding: Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.

2. Intensity: The intensity of light within a site shall not exceed ten (10.0) foot-candles within any site; however, the Director may permit a maximum intensity of twenty (20.0) foot-candles provided that such lighting is otherwise in compliance with this ordinance and a maximum intensity of one (1.0) foot-candle is maintained at any property line or street right-of-way line. Where the property abuts a residential district or existing residential use, the intensity shall not exceed one-half (0.5) foot-candle at the property line.

3. Measurement: Light intensity levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line or street right-of-way line at a height of five (5) feet above grade level.

4. Decorative Light Fixtures: The Director may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

5. Wall-Mounted Lights: Wall-mounted lights shall be cut-off, down directional with a maximum of to four hundred (400) watts per fixture.

D. Exemptions: The following are exempt from the lighting requirements of this section:

1. Roadway and airport lighting and lighting activated by motion sensor devices.

2. Temporary circus, fair, carnival or civic events.
3. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
4. Temporary lighting.
5. Lighting associated with agricultural activities.
6. Athletic fields.
7. Swimming pools.
8. Holiday decorations.
9. Shielded pedestrian walkway lighting.
10. Residential lighting with no-offsite glare.
11. Street lights.
12. Other uses deemed reasonable by the Director.

4.3.5 Street Orientation.

A. The main entrance to all the buildings shall be oriented to Public Streets, where feasible.

B. When possible, buildings located on a corner should have the main entrance situated to address both streets therefore accentuating the corner position and improving visibility and pedestrian circulation.

4.3.6 Building Massing and Modulation Requirements for Buildings Under 20,000 sq. ft.

A. The massing of building facades longer than one hundred fifty (150) feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest.
B. Building facades that are less than five hundred (500) feet long shall be adjusted at intervals no greater than one hundred (100) feet in length.
C. Building facades that are more than five hundred (500) feet long shall be adjusted with intervals no greater than twenty (20) percent of the length of the façade.
D. Building design shall include minimum one-foot deep cornices along the entire front façade of buildings and extending for a distance of at least ten (10) feet along the sides of buildings.
E. Building designs shall include a minimum two (2) feet high contrasting base, along the entire front façade of buildings and extending for a distance of at least ten (10) feet along the sides of buildings.
F. Loading and Service Zones
    a. Screening and landscaping shall be utilized to deter direct views of the loading areas and their driveways from adjacent residential properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes.

b. Where feasible, this shall be achieved through the placement of walls, fences, and landscaping, and shall provide a visual barrier five (5) feet tall minimum.

4.3.7 No Exterior Vending Machines.

Exterior vending machines (freestanding or attached) must not be visible from the street or neighboring properties.

4.3.8 Mechanical and Other Building Systems.

Rooftop and ground level mechanical and electrical service equipment, solar collectors, satellite dishes, and any other communications equipment shall be screened from public view, sidewalks, streets, and from all adjoining buildings to the extent where possible and practical. This screening may be accomplished with materials compatible with the finishes and character of principle structures or other architectural methods.

4.3.9 Utilities.

A. Utilities shall be located underground.

B. For all new construction and redevelopment, utilities along public streets must be placed underground. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.

C. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

4.3.10 Encroachment on Public Rights-of-Way.

No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public right-of-way. All permanent structures or inorganic objects that are placed near, but not within the right-of-way, shall be located as to not obstruct, hinder or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public.

4.3.11 Posting of Addresses.

A. Each dwelling unit and place of business shall have light-reflective numbers posted and maintained in a prominent place on the property, visible from the street providing public access, the address of the dwelling unit or place of business.

1. For residences using mailboxes: Two-inch high light-reflective number with contrasting background;

2. For residences that do not use mailboxes and within one hundred (100) feet of roadway: Three-inch high light-reflective numbers with contrasting background;

3. For residences which do not use mailboxes and are more than one hundred (100) feet from a roadway: Three-inch high light-reflective numbers visible from the roadway with contrasting background; and
4. For all commercial establishments: Three-inch high light-reflective numbers with contrasting backgrounds.

4.3.12 Trash Enclosures, Storage Areas, and External Structures.

Landscaping, fencing, berms, or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures.

1. Service yards, refuse and waste-removal areas, loading docks, truck parking areas and other utility areas shall be screened from view by the use of a combination of walls, fences, and dense planting. Screening shall block views to these areas from on-site as well as from public rights of way and adjacent properties.
2. All trash dumpsters shall be provided with solid enclosures. Fats, oils, grease receptacles shall be provided with solid enclosures.
3. Enclosures shall be composed of 8-feet-high solid masonry or decorative precast concrete walls, with opaque gates and self-latching mechanisms to keep gates closed when not in use. Bollards are required at the front of the masonry walls to protect the enclosure from trash collection vehicles. Gates shall be made of opaque metal for durability. Chain link gates with or without opaque slats are not acceptable. Colors and materials shall be consistent with the main building or use.
4. Where trash enclosures, storage areas, or other external structures are adjacent to parking areas, a three-foot landscaped buffer shall be provided that does not impede access into and out of vehicles.
5. These areas shall be well maintained and oriented away from public view.
6. The consolidation of trash areas between buildings is encouraged.
7. The use of modern disposal and recycling techniques is encouraged.
8. This Section shall not apply to community or public recycling bins or drop boxes; however, the location shall be determined by the Community Development Director in accordance with the standards herein.

4.4 Architectural Guidelines.

4.4.1 General Requirements.

A. All Accessory Buildings shall be constructed of materials complementing the Principal Building with which they are associated.

4.4.2 Requirements for single family detached and attached.

These requirements only pertain to buildings that are exclusively Residential in nature.

A. Façades.

1. **Primary Material Coverage** Required, at a minimum, a twenty-four (24) inch course/ water table, consisting of brick or stone or a combination of each, measured from where the final grade of the lot meets the outside of the building.
2. **Secondary Material Coverage** Remaining area may be comprised of one or more of stucco, shake, and/or cement fiberboard siding.
3. Vinyl or aluminum siding shall not be permitted. Metal or cementitious composite board siding may be used in the eaves and soffits of a building.

B. **Roof Pitch**. The minimum roof pitch of a single-family home shall be 4:12, with the exception of attached patio covers. The minimum roof pitch of an attached patio cover shall be as required by the current state minimum standard codes for construction.

C. **Roof materials**. Roof materials shall include wood or cedar shakes, asphalt composition, wood, shingles. Other roof materials may be used where specifically approved by the Director.

D. **Foundation**. The dwelling shall be attached to a permanent foundation. The foundation shall be concrete or masonry blocks joined by mortar or both.

E. **Finished Floor**. Any building having its finished floor entirely above grade, except for a basement, as defined in the International Building Code, shall be enclosed by masonry blocks or bricks joined by mortar, or poured concrete walls having a minimum height of eighteen (18) inches and a minimum width of six (6) inches.

F. **Garages**.

1. A minimum of two car garages shall be required for all single-family detached residential structures. Side entry garages should always be considered and constructed when possible.
2. Single car garages are required for townhomes and for each unit of a duplex.

4.4.3 Requirements for multifamily residential.

A. Façades.

1. **Primary Material Coverage** Buildings are required to consist of 30% brick or stone or a combination of each on all four facades of the building.
2. **Secondary Material Coverage** Remaining area may be comprised of one or more of stucco, shake, and/or cement fiberboard siding.
3. Vinyl or aluminum siding shall not be permitted. Metal or cementitious composite board siding may be used in the eaves and soffits of a building.

4.4.4 Requirements for Buildings not Exclusively Residential (Includes Mixed-use, Commercial, Institutional, Industrial, etc.).

A. All buildings constructed within the C-1, C-2, C-3, OI, M-1 and M-2 zoning districts shall meet the development standards and the appearance standards set forth in this section.

B. Buildings in C-1, C-2, and C-3 are required to be a least 50% brick or stone on all four facades of the building.

C. Other allowed building materials include:
    1. Brick, or brick veneers;
    2. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble is allowed to building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
    3. Split-face block/concrete masonry unit (CMU) is restricted to twenty (20) percent of the surface area of the façade;
    4. High grade stucco;
    5. Natural wood and/or Cementous fiberboard siding;
    6. Glass;
    7. Glazing shall be clear or slightly tinted glass (not opaque nor highly reflective). Metal screens or bars shall not cover window openings;
    8. Exposed concrete block, metal and tile are not allowed as building materials on a façade;
    9. Vinyl or aluminum siding shall not be permitted, except by vinyl having a nominal thickness of forty-six one-thousandth (0.046) inches, metal, or cementitious composite board siding may be used in the eaves and soffits of a building.

D. All windows shall be consistent with the decorative facade design, considering materials and color.

E. Metal roofing, if utilized, shall consist of standing seam metal roofing with a minimum twenty-nine (29) gauge rating.

F. Facade colors and materials shall be limited to three (3) per facade face.

G. Hotels shall be exempt from the brick percentage requirements set forth herein, but shall meet all other standards set forth herein.

H. Each industrial building shall maintain a decorative facade on that portion of the building that faces on all public streets. The decorative facade shall consist of brick, masonry, and/or wood. Glass may be used in combination with brick, masonry, and/or wood. All windows shall be consistent with the decorative facade design, considering materials and color.

I. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public rights-of-way views through one (1) of the following methods:

J. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way.

K. Where brick, wood, or masonry materials are used to screen equipment or devices, the materials shall be the same as the predominant exterior building materials for the principal building on the site.

L. Street level retail uses with sidewalk frontage shall provide an entrance to the building from the sidewalk in addition to any other access that may be provided to the building.

M. All entrance and exit driveways shall be paved with asphalt, concrete or pavers.

4.4.5 Roof requirements for Buildings under 20,000 sq. ft.

A. Materials
    1. Pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
    2. Exposed metal flashing shall be copper, or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.
    3. There shall be roof articulations/offsets at a minimum of one (1) per each one hundred twenty-five (125) linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than one hundred twenty-five (125) linear feet of length, then a minimum of one (1) roof articulation must occur.

B. Type
    1. Mansard roofs.
        i. Shall have a maximum pitch of 12:12
        ii. Shall have a minimum twelve (12) feet vertical surface length.
    2. Flat Roofs
        i. Building materials for flat roofs shall meet local codes.
        ii. All buildings with flat roofs should include parapet articulation on the front façade(s) of such building.
    3. Green Roofs
        i. Shall be highly recommended and will be reviewed on a case-by-case basis.
    4. Canopies
        i. Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.
        ii. Arcade/structural canopy for retail use. For any multi-tenant commercial development, a covered arcade/structural canopy shall be provided along the front facade of the building. It shall be a minimum of five (5) feet in width and designed to provide covered areas for relief from the weather. Different arcade/structural canopy designs may be used for each individual

tenant/business within a multi-tenant commercial development provided that they blend aesthetically with the front façade of the building and has the approval of the building owner and the Director of Community Development in the City of Stockbridge.

4.4.6 Establishments over 40,000 square feet (Large-scale Retail Centers).

A. Purpose. This section is intended to provide design standards for uses located in large-scale buildings. The purpose is to ensure the compatibility of large buildings and their associated impacts with the surrounding area, and to avoid large, undifferentiated building walls.

B. Applicability. Establishments having more than forty thousand (40,000) square feet of floor shall comply with the design standards contained in this section. These standards are in addition to the site design standards of the underlying zoning district. The size threshold refers to an individual establishment and any associated outdoor areas used for display or storage.

C. Building Design Standards. Building design shall meet the standards below.

Building Design Standards for Establishments over 40,000 Square Feet

DEVELOPMENT FEATURE	STANDARD
Facades over 100 feet in length	• Provide wall projections or recesses which are a minimum of three feet in depth and a minimum of 20 contiguous feet long within each 100 feet of facade length. • Arcades, display windows, entry areas, or awnings shall be provided along at least 60 percent of the facade. • A repeating pattern of color, texture, or materials change is required.
Roof and roof line	• Provide a change in height every 100 linear feet of building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.
Exterior building materials	• Brick, masonry, and/or wood; stucco to simulate brick, masonry, or wood may be used; glass may be used in combination with brick, masonry, and/or wood.
Parking	• Shall not exceed 110% of the parking standard provided. At least 20% of the required parking shall be provided in pervious pavement, grass, gravel, turf block, or similar material. Structured parking is strongly encouraged.
Loading docks	• Shall be screened from view from adjacent properties and from the public right-of-way; • Shall be located in the side or rear of the building or lot; • Shall be set back by a minimum of 100 feet from any residentially-zoned property.

Outside storage and displays	• Neither parking lots, nor areas immediately adjacent to the buildings, other than the garden center uses, shall be used for the sale of goods. • Garden center goods shall be within areas enclosed by decorative fencing and be at least partially screened. • Exceptions to this provision include seasonal holiday trees, seasonal sales of nursery supplies, and pumpkin sales. • Screened from view from adjacent properties and from the public right-of-way. • Setback a minimum of 100 feet from any residentially zoned property. • In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to the entrance of the store.
Refuse and solid waste containers	• Enclosed, except for an access gate, and screened from view from adjacent properties and from the public right-of-way.
Seasonal sales (See Section. 3,2,39 regarding temporary uses)	• Shall not occupy any required parking spaces or parking lot aisles.
Open space	• A minimum of 20 percent of the site shall be landscaped open space.

4.5 Streetscape Standards.

4.5.1 Special Provisions for Major Corridors.

A. Applicability. This section shall apply to all parcels of land abutting Highway 138 West, Highway 42 North, Jodeco Road, Eagles Landing Parkway, Hudson Bridge Road, Rock Quarry Road, East Lake Parkway, East Atlanta Road, North Henry Boulevard, Patrick Henry Parkway, Country Club Drive, Flippen Road, Walt Stephens Road, Mount Zion Parkway, Campground Road and any other roadway having a classification of "Collector" or higher. All state routes and associated rights-of-way are within the jurisdiction of the Georgia Department of Transportation (GDOT) and any improvements within these respective rights-of-way are subject to GDOT approval. All property contained within any parcel subject to this section on the date of adoption of the ordinance from which this section is derived shall continue to be subject to this section, even if the parcel is subdivided in the future.

B. Streetscape Design Standards. The streetscape along the major highways shall be divided into three (3) distinct zones consisting of a building frontage zone, pedestrian travel zone, and fixtures/planting zone. The widths of each zone shall be as provided below:

1. Building frontage zones are encouraged to provide outdoor activities and gathering areas and may be permitted at varying widths.

2. Pedestrian travel pathways shall be a minimum of ten (10) feet wide, paved in concrete and kept clear and unobstructed for the safe and convenient use of pedestrians.

3. Fixtures/planting zones shall be a minimum of ten (10) feet wide and planted with grass, ground cover or flowering plants. Within the fixtures/planting zone:

    a. Sidewalk benches shall be placed in front of retail locations at a maximum distance of five hundred (500) feet from one another.

    b. Trash receptacles shall be placed at street intersections and at a maximum of five hundred (500) feet apart from one another.

    c. Bicycle racks should be located at a maximum distance of two hundred fifty (250) feet apart.

    d. Pedestrian scale lighting should be incorporated along all pedestrian paths and shall be placed a maximum of every forty (40) feet on center.

4.5.2 Sidewalks.

A. Sidewalks shall have a minimum width of 5 feet along all roads in residentially zoned or used areas.
B. Sidewalks shall have a minimum width of 8 feet in all commercial, industrial, and mixed-use development areas. The Community Development Director may reduce to 6 feet, if the topography or width of the right-of-way does not permit an 8 feet wide sidewalk.
C. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.
D. Sidewalks shall be in compliance with ADA standards for Accessible Design.
E. Sidewalks shall be located along both sides of all public streets.
F. All sidewalks shall be accessible with ramps and other safety features, such as traffic strips for sensory canes.
G. All grade changes along sidewalks shall be clearly marked.

4.5.3 Street Trees.

A. Street trees shall be provided in medians and all required landscaped strips adjacent to all streets rights-of-way.

B. Landscape strips along any collector and arterial roadways shall be a minimum of 10-feet wide.

C. Street trees shall have a minimum 2.5-inch caliper and 6 feet in height at the time of planting and be warranted by the developer for a period of 2 years.

D. Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.

E. No street tree or streetlight standard shall be placed within 10 feet of another tree, streetlight standard, utility pole or within 5 feet of a fire hydrant.

F. Appropriate street tree species include:

a. Large trees—Average spacing forty (40) feet on center:

- Nuttall Oak
- Shumard Oak
- Willow Oak
- Gingko (variety: President, Autumn Gold, male gender)
- Princeton Elm
- Chinese Elm (varieties: Allee, Athena, Drake, Bosque)
- Bald Cypress (variety: Shawnee Brave)
- Zelkova (variety: Green Vase or Village Green)
- Northern Red Oak
- Red Leaf Maple

b. Small trees—Average spacing twenty (20) feet on center:

- Crepe Myrtle
- Saucer Magnolia (variety: Butterflies)
- Chinese Fringe Tree
- Golden Rain Tree
- Texas Redbud (Cercis reniformis)
- Kousa Dogwood
- Washington Hawthorn 'Princeton Sentry'
- Zelkova (variety: Wires)

G. No more than twenty-five (25) (or twenty-five (25) percent of the total number, whichever is greater) of the trees installed may be of any one (1) genus.

H. No more than twenty-five (25) percent of the street trees used in a single development shall be of the small tree species, unless limited by roadway classification or posted speed limit that affect tree type placement.

4.6 Buffer Requirements.

4.6.1 Applicability.

Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the Zoning Ordinance or as a condition of zoning, conditional use or variance approval.

4.6.2 Location, Measurement, and Design of Buffers.

A. Buffers shall meet the minimum width requirements contained in the Zoning Ordinance, except as authorized to be reduced by the applicable buffer reduction process, as follows:

a. As specified in the "Buffer Area Standards Table"; or

b. As specified in a residential zoning district for a permitted non-residential use (e.g. a church, temple, synagogue, etc.); or
c. As required by a condition of zoning, conditional use, or variance approval

B. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replanting's as may be required.

C. Buffers shall be located on the outer perimeter of a lot or parcel, parallel to the lot or parcel boundary line. Buffers shall not occupy any portion of an existing, dedicated, or reserved public or private street, or right-of-way.

D. Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required by the Director in order to observe the sight distance requirements contained in the Development Regulations, or as authorized by a condition of zoning, special use, or variance approval.

E. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this Ordinance shall be met outside of the easement area, to ensure a continuous buffer.

F. Buffer width is measured from the property line.

G. Buffers plantings shall be designed taking into consideration existing conditions, including but not limited to soils, topography, streams, and existing vegetation. . Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site and advance the objectives of this section.

H. Buffers shall be maintained, in perpetuity, by the property owner.

4.6.3 Buffer Area Standards.

A. The minimum buffer area standards are as follows:

Buffer Area Standards

Proposed Land Use	Adjacent Zoning District	Minimum Buffer Width
Office-Institutional Commercial Mixed-use areas	RR, SR, CCR, MFR and RMH	50 feet
Industrial	RR, SR, CCR, MFR, and RMH	100 feet
Manufactured home parks Duplex Development Multifamily development	RR, SR	25 feet
All other situations	t	25 feet

4.6.4 Plant Materials for Buffers on Nonresidential Developments.

A. Existing plants within a designated buffer area shall not be removed unless the plants are dead, dying, diseased, hazardous, or invasive. Where no natural buffer exists or where the Director finds that existing vegetation does not provide an appropriate buffer, the following plant materials are required for each fifty (50) linear feet of 50 feet wide buffer, quantities shall be doubled for 100 feet wide buffers:

1. Two (2) canopy trees.
2. Two (2) understory trees.
3. Fifteen (15) screening shrubs. Shrubs may be evergreen and/or deciduous but must reach a mature height and width greater than 4 feet.

4.6.5 Plant Materials for Buffers on Residential Developments.

A. The following plant materials shall be required for each fifty (50) linear feet of buffer on a residential development:

1. One (1) canopy tree.
2. Two (2) understory trees.

3. Ten (10) screening shrubs. Shrubs may be evergreen and/or deciduous but must reach a mature height and width greater than 4 feet.

4.6.6 Non-Vegetative Screening.

A. Non-vegetative materials utilized in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof. While non-vegetative screening materials may be utilized in addition to natural, enhanced or planted buffers, they are not a replacement of, nor exemption from the requirement to plant buffers.

B. If walls or fences are to be utilized, their placement and installation shall be such to cause minimal disturbance of existing vegetation.

4.6.7 Disturbance or Encroachments.

A. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except for necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

B. Land disturbance is authorized in areas of a buffer that are devoid of significant existing vegetation provided that the final grade and replanting of vegetation meet the requirements contained herein.

C. Dead, dying, diseased, hazardous, or invasive vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation removed shall be replaced where necessary to meet the buffer requirements contained herein. A Landscape Architect and/or Certified Arborist shall identify dead, dying, diseased, hazardous, or invasive vegetation for removal.

4.6.8 Protection During Land Disturbing Activities.

A. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

B. The method of demarcation and protection shall at a minimum be a continuous single row of four (4) feet tall orange vinyl (or other high visibility color) tree protection fence, or shall be protected as required by the Community Development Department.

4.7 Landscape Requirements.

4.7.1 Applicability and Provision of Landscape Plans.

A. These requirements shall apply to all properties to be used, developed, or redeveloped within the City, except as may specifically be exempted below.

B. In order to demonstrate compliance with the requirements of this section, a landscape plan, prepared by a Professional Landscape Architect shall be submitted with applications for development approval, for all developments.

C. The following types of development are exempt from the requirements of this Section:

1. Single-family dwellings;

2. Duplex buildings; and

3. Applications for accessory uses, accessory structures, or temporary uses.

4.7.2 Maintenance Requirements.

A. All landscaped areas shall be maintained to ensure that plant materials remain healthy. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six (6) months following identification of the need for replacement.

B. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance and to ensure that landscape and buffer areas serve the intended purpose.

4.7.3 Landscape Standards for Nonresidential Development.

A. Required landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping and buffer areas shall not be disturbed by grading, property improvements or construction activities, except where necessary to prevent a nuisance, or to maintain natural plant growth, or to remove diseased, misshapen, or dangerous and decayed trees.

B. All landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping and buffer areas shall utilize existing natural vegetation in an undisturbed state provided that the existing vegetation is appropriate for inclusion.

C. A minimum of twelve (12) percent of the total buildable area in any parcel shall be devoted to landscaping.

D. The requirement to provide landscaping shall be in addition to any required buffers.

E. The site design standards for landscaping are provided in the table below.

Site Design Standards for Nonresidential Landscaping

Location of Landscaping	Number of Plants	Type of Plants
Front yard setback	1 tree per 40 linear feet	50 percent trees Grass or ground cover
Side yard setback	1 tree per 25 linear feet	50 percent large trees Grass or ground cover
Rear yard setback	1 tree per 25 linear feet	Grass or ground cover

4.7.4 Residential Landscape Standards.

A. Prior to issuance of a certificate of occupancy, any parcel of land for which a building permit has been requested shall have preserved or planted trees, meeting the following standards:

1. Minimum caliper for planted trees is two and one half (2.5) inches.
2. A minimum of seventy-five (75) percent of planted trees shall be hardwoods.
3. All recorded lots within a subdivision shall have planted or preserved the required number of trees according to the zoning district, as set forth Title 13, Tree Protection.
4. Requirements for planting or preserving trees are in addition to requirements for landscaping and buffer areas but may be located in the landscaping and/or buffer areas.

B. Tree planting requirements.

Tree planting requirements are presented in the table below.

Tree Planting Requirements

Zoning District	Number of Trees Planted or Preserved	
	First acre	Each additional ¼ acre
RR	10	2
SR	7	2
MFR, MHR	10	2
CCR	4 trees per parcel (no matter the parcel size)	

4.7.5 Landscape Requirements for Parking Lots.

A. *Perimeter landscaping for parking lots.* A landscaped area having a minimum horizontal dimension of ten (10) feet shall be maintained between the prescribed buffer and a parking lot. The width of a sidewalk shall not be included within the 10-feet perimeter landscape area.

B. Interior landscaping.

1. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping.
2. Parking lots shall be designed so that no more than twelve (12) parking spaces occur in an unbroken row without an intervening landscaped area having a minimum width of ten (10) feet measured from the back of curb to back of curb.
3. Interior planting areas may be landscape islands at the end of parking bays, landscape islands within rows of parking spaces, or landscape strips between rows of parking spaces. No planting area shall be less than 10 feet wide in the shortest dimension. Planting areas may also be located within driveway medians, provided the median is a minimum of ten (10) feet wide.
4. A minimum of two (2) canopy trees shall be planted for every 12 parking spaces provided. Planting area per canopy tree shall be a minimum of three hundred (300) square feet.
5. Trees should be placed within interior islands to maximize shading of the pavement.

6. Vehicle stops or curbing shall be used to ensure that vehicles do not overhang required landscaped areas.

4.7.6 Landscape Plant Materials Standards.

A. All plant materials shall meet the following general requirements:
   a. All plant materials shall be nursery grown, number 1 grade and installed according to accepted industry standard planting procedures.
   b. All plant materials shall meet current American Association of Nurseryman Standards.

B. All plant materials shall meet the size and location specifications presented in the table below.

Plant Materials Standards

Plant	Minimum Size at Planting
Canopy trees	2.5-inch caliper
Understory trees — single trunk	2-inch caliper
Understory trees — multiple trunks	5 feet in height
Large screening shrubs	36 inches in height
Shrubs	24 inches in height
Ground cover	4 inch pot
Grass	Sodded, sprigged, plugged, or seeded, except that sod shall be used in drainage swales or other areas subject to channelized or concentrated sheet flow of runoff.

C. Spacing requirements for trees shall include consideration of trees planted on abutting properties. Trees may be grouped, so long as a sufficient planting area is provided as set forth in paragraph C., below.

D. Trees shall be planted in locations away from septic tanks and drain fields.

E. Planting areas shall meet the following specifications:

1. A planting area of three hundred (300) square feet shall be required for each canopy tree.
2. A planting area of one hundred (100) square feet shall be required for each understory tree.
3. The minimum dimension of any planting area shall be ten (10) feet.

4.8 Parking Requirements.

4.8.1 Purpose and Intent.

The intent of this section is to ensure the appropriate location and quantity of off-street parking and loading and to ensure that all developments provide adequate and safe storage and movement of vehicles consistent with generally accepted site design principles.

4.8.2 Applicability.

A. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a development plan showing the required space reserved for off-street parking and loading. Occupancy shall not be allowed unless the required off-street parking and loading facilities have been provided in accordance with those shown on the approved plan.

B. Each use of land and each building or structure hereafter constructed or established, and each addition to a structure shall provide off-street parking and loading according to the standards set forth herein.

C. When an addition is made to a building containing less than the required parking or loading requirements, off-street parking shall be provided for the entire building, based upon the standards in this section.

D. No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of an existing parking lot or loading space, unless such building and its addition conform with the regulations for parking and loading contained herein.

4.8.3 Maintenance.

All off-street parking and loading areas shall be well maintained. Parking lots and loading areas shall be free of potholes, debris, weeds, broken curbs, and broken wheel stops.

4.8.4 Calculation of Required Parking Spaces and Loading Spaces.

A. The table below “Parking and Loading Space Standards” specifies the required minimum number of off-street parking spaces for each listed use. Where the calculation of the required number of spaces results in a fraction, the number shall be rounded up to the next whole number.

B. Where the unit of measure for determining the number of parking spaces is the number of seats in a facility, the number of seats shall be the maximum occupancy allowed pursuant to building and construction codes.

C. When multiple uses occupy a building, or a mixed-use development is proposed in separate buildings under unified control, the parking and loading requirement shall be met by each use, unless shared parking is approved according to the standards in this section.

4.8.5 Parking and Loading Space Standards.

A. The table below presents standards for parking and loading spaces. Where a use is not listed, the Director shall determine the appropriate parking and loading standard. The determination shall be based on the standards for similar uses.

Parking and Loading Space Standards

Use Group	Example of Types of Use	Minimum Requirement
All areas are expressed in spaces per gross square feet of building area unless ground area or some other measure is specified		
Adult entertainment establishments		10 per 1,000 sq. ft.
Assembly places with fixed seating	Stadiums/auditoriums Theaters/amphitheaters	1 per 4 fixed seats
Assembly places without fixed seating	Meeting halls Libraries	1 per 35 sq. ft. in largest assembly room
Auto dealerships, sales & service	New car sales Used car sales Service and parts	6.5 per 1,000 sq. ft.
Bowling alley		5 per alley
Child care kindergarten	Day care centers Pre-school	1.7 per 1,000 sq. ft. + 1 per 4 employees on the largest shift
Churches and other places of worship	Churches Cathedrals Temples	1 per 3.5 fixed seats in the largest assembly area
Without fixed seating		1 per 30 sq. ft. in largest assembly area
Clubs and lodges	Country clubs Fraternal organizations	5 per 1,000 sq. ft.
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.
Commercial, amusement, outdoor	Amusement parks Skateboard parks Batting cages	1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats; plus 10 per 1,000 sq. ft. of ground area identified for recreation and assembly
Custodial care	Assisted Living	2.5 per 1,000 sq. ft.
Dormitories and related	Dormitories Fraternity houses	1 per bedroom + 5 per 1,000 sq. ft. of common area

Use Group	Example of Types of Use	Minimum Requirement
	Sorority houses Boarding houses	
Festivals, outdoor	Horse shows Carnivals Dog shows Arts and crafts	2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial institutions	Banks Credit unions Brokerage houses	5 per 1,000 sq. ft.
Funeral homes		1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room
Golf course, public and private, without club facilities		50 spaces per 9 holes
Health care facilities	Hospitals Out-patient clinics Convalescent home Nursing home	1 per 4 beds + 1 per 3 employees
Hotels and motels, no restaurants	Apartment hotels Hotels Motels	1 per room
With restaurants		1.25 per room
Industrial and manufacturing	Assembly plants Fabrication plants Factories	1 per 1,000 sq. ft.
Laboratories, scientific and related	Experimental labs Fabrication plants Factories	2.5 per 1,000 sq. ft.
Medical offices Related facilities	Dental offices Doctor's offices Veterinary offices Clinics	4 per 1,000 sq. ft.
Mini-warehouses		1 per employee + 1 per 5,000 sq. ft.
Offices, general	Freestanding offices Office towers Office parks Offices associated with other uses	3 per 1,000 sq. ft. to 250,000 sq. ft.; 2.8 per 1,000 sq. ft. all exceeding 250,000 sq. ft.
Personal service establishments	Barber shops Beauty parlors Laundromats/dry cleaners	5 per 1,000 sq. ft.
Race track		1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for

Use Group	Example of Types of Use	Minimum Requirement
		moveable seats, + 10 per 1,000 sq. ft. of other spectator area.
Recreational facilities, indoor	Billiard parlors Game rooms Arcades Skating rinks Physical fitness centers Museums	5 per 1,000 sq. ft.
Recreation, private	Tennis court Basketball court	3 per court 4 per court
Single family or mixed residential use, association or club	Swimming pool	6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served
Multifamily residential		Included in basic parking requirement
Recreation, public	Basketball court Playing fields Tennis courts Driving range Miniature golf Swimming pool	4 per court 50 per field 3 per court 2 per tee 20 per 18 holes 20 + 1 per 50 sq. ft. of pool area
Recycling centers		1.5 spaces per 1,000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container; plus loading spaces.
Residential, multifamily (fewer than 40 units/acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.4 per unit 2.0 per unit 2.25 per unit
Residential multifamily high-rise (40 + units' acre)	1 bedroom or efficiency unit 2-bedroom unit 3-bedroom unit	1.25 per unit 1.75 per unit 2.00 per unit
Residential, single family	Detached dwelling Duplexes Mobile homes	2 per dwelling unit
Residential, retirement home	Retirement homes Retirement village	1.25 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating)	Cafeterias Bars Dance clubs Restaurants Music clubs Bistros	10 per 1,000 sq. ft.
Retail establishments	Boutiques Shops	5 per 1,000 sq. ft.

Use Group	Example of Types of Use	Minimum Requirement
	Stores Rental services Art galleries Food stores	
Roadside stand		6 + 5 per 1,000 sq. ft. ground area
Salvage, storage and/or junk facility		1 per employee plus 4 per acre
Schools	Junior high Elementary Middle	Larger of 2 per classroom or 1 per 35 sq. ft. in largest assembly area
	Secondary	Larger of 10 per classroom or 1 per 35 sq. ft. in largest assembly area
	Colleges/Business colleges Tech/universities/trade Conservatories	5 per 1,000 sq. ft.
Service and repair establishments	Appliance repair shops Bicycle repair shops Shoe repair shops General repair centers	5 per 1,000 sq. ft.
Service stations and automotive repair centers	Automotive garages Paint and body shops Tire centers Service stations	5 per 1,000 sq. ft.
Warehousing and storage	Commercial storage Distribution centers	1 per 2,000 sq. ft.

B. *Loading spaces required.* Off-street loading spaces shall be provided as follows:

Off-Street Loading

Type of Use	**Gross Floor Area (Sq. Ft.)**	**Loading Spaces Required**
Single retail establishment services	0 to 19,999 20,000 to 49,999 50,000 to 250,000 Over 250,000	None One Two Three
Shopping centers	0 to 19,999 20,000 to 49,999 50,000 to 100,000 Each additional 100,000	None One Two One
Office buildings, Apartment building over four stories, Hospitals, health care establishments, Hotels and motels	0 to 999,999 1,000,000 to 2,000,000 More than 2,000,000	None One Two
Manufacturing, warehousing, wholesaling, etc.	Up to 14,999 15,000 to 39,999 40,000 to 65,000 Each additional 80,000	One Two Three One
Recycling centers		2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance

4.8.6 Parking Spaces for Disabled Individuals.

A. All uses shall provide parking spaces designated for access by disabled individuals.

B. The table below presents specifications for parking for disabled individuals.

Required Parking for Disabled Individuals

Total Parking Spaces Required	Accessible Spaces Required
Up to 25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501+	2% of total required spaces

C. Accessible spaces shall be marked on the pavement and by appropriate signage, both markings to use the universally accepted "handicapped" symbol. Such spaces shall be located in closest proximity to major building entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.

D. Ramps shall meet the design standards set forth in the Georgia Accessibility Code Chapter 120-3-20 of the Rules and Regulations of the Georgia Safety Fire Commissioner.

4.8.7 Design Requirements for Parking Lots, Parking Spaces, and Loading Areas.

Off-street parking lots, individual parking spaces, loading areas, and loading stalls shall be designed to conform to the following criteria and standards:

A. All multiple-family, commercial, and industrial uses shall provide a paved, dust-free surface. The use of approved permeable or pervious pavement materials is encouraged, provided such paving is approved for use by the Director.

B. All off-street loading stalls shall have access from a public street.

C. Loading stalls are not to hinder movement of pedestrians or vehicles over a street, sidewalk, or alley, or to and from an off-street parking area.

D. Off-street parking and loading areas that are to be used at night shall include proper illumination for the safety of pedestrians, vehicles, and for security purposes. Lighting shall be located and shielded to avoid direct illumination of adjacent properties.

E. Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained to ensure their maximum efficiency.

F. All off-street parking, loading, and service areas shall be drained to prevent damage to abutting properties and/or public streets and shall be constructed of materials that shall assure a surface resistant to erosion.

G. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

H. The design standards in the table below shall be used to achieve compliance with parking provisions of this chapter.

Parking Space Dimensions

Type of Parking Space	Required Dimensions of Parking Spaces
Full-size automobile space: 45° angle	9' wide; 25' deep
Full-size automobile space: 60° angle	9' wide; 22' deep
Full-size automobile space: 90° angle	8'6" wide; 20' deep
Full-size automobile space: Parallel to walk	8'6" wide; 20' deep
Compact automobile space: 90° angle	8' wide; 19' deep
Handicapped spaces	Refer to the Georgia Accessibility Code Chapter 120-3-20 of The Rules and Regulations of The Georgia Safety Fire Commissioner

I. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way as indicated in the table below

Parking Lot Design

Required Width of Interior Driveways and Aisles (feet)	Parking Design (degree of angle)
24	90°
18	60°
12	Parallel
12	One-way traffic: Not adjacent to parking
24	Two-way traffic: Not adjacent to parking

J. The specifications in the table below are the design requirements for off-street loading stalls.

Off-Street Loading Stall Design

Wholesale and Industrial Uses:	
Width	10 feet
Length	50 feet
Overhead clearance	14 feet
All Other Uses:	
Width	10 feet
Length	35 feet
Overhead clearance	14 feet

4.8.8 Shared Parking Arrangements.

A. Adjacent uses, multiple uses within a unified development, or establishments with multiple tenants of different uses may provide shared parking facilities. Such shared parking facilities may have a reduced quantity of parking as compared to the sum of parking spaces required for each individual use.

B. Where shared parking facilities are proposed, the following standards shall be met:

1. There shall be a paved driveway connection between the adjacent developments such that automobiles may move from one (1) parcel or use to the adjacent parcel or use without exiting to the public street.

2. There shall be a designated pedestrian connection from all uses to the shared parking facility.

3. The owners of developments involved shall execute a cross-access and cross-parking agreement, provided in a recordable instrument, acceptable to the City. The agreement shall guarantee the joint use of a specified number of parking spaces.

4. The number of spaces in the shared parking facility shall be determined by one (1) of the methods below.

C. The calculation of required spaces in a shared parking facility shall use one (1) of the two (2) methods described below:

1. A parking study may be conducted to provide evidence of the combined parking requirements of the proposed uses.

a. The study shall be prepared by a professional engineer with documented traffic expertise.

b. The study shall include estimates of parking requirements based on professionally accepted data or studies, such as from the Institute of Traffic Engineers, Urban Land Institute, or other sources acceptable to the City.

c. Parking requirements shall be based on uses that are the same or comparable to the proposed uses. Comparability shall be determined by density, scale, bulk, area, type of activity, and location in relationship to other uses and the transportation system.

d. Parking requirements shall be based upon peak hours of need for each use proposed to share parking facilities. The hours of maximum, or peak, parking demand of the respective developments shall not overlap.

e. The study shall document the source(s) of data used to develop recommendations.

f. The study shall document the extent to which transportation system management and alternative forms of transportation (pedestrian and bicycle) reduce the parking requirement.

g. The study shall document the availability of off-site parking to meet a portion of the parking requirements. Off-site parking shall not be located more than one hundred fifty (150) feet from the uses that require parking. The study shall be accompanied by documentation to demonstrate the continued availability of the off-site parking, such as easements or other recordable instruments.

2. Shared parking may also be determined by the following method:

a. Calculate the parking requirement for each proposed use, as set forth below.

b. Multiply each amount by the corresponding percentages from the table below for each of the five (5) time periods.

c. Total the amount of parking for each time period.

d. The highest parking requirement shall be the minimum number of spaces required for the shared use facilities.

Shared Parking Demand Calculations

General Land Use	**Week Days**		**Weekend**		
	Daytime 9 a.m.—4 p.m.	**Evening 6 p.m.—12 M**	**Daytime 9 a.m.—4 p.m.**	**Evening 6 p.m.—12 M**	**Nighttime 12 M—6 a.m.**
Office or industrial	100%	10%	10%	5%	5%
Commercial	60%	80%	100%	60%	5%
Hotel/motel	60%	100%	60%	100%	60%
Restaurant	70%	100%	75%	100%	10%
Entertainment	50%	100%	80%	100%	0%

4.8.9 Administrative Reduction of Spaces Constructed.

The Director of community development/planning and zoning may authorize a reduction in the total number of parking spaces constructed on a site to no less than ninety percent (90%) of the basic requirement when all of following conditions are met: The request for reduction in parking shall show that the reduction is justified on the basis of characteristics unique to the specific proposed use of the property in contrast to the characteristics of other uses within the same category.

A. Adequate land area for meeting the basic parking requirement is located on and designed for the site whether at grade or in parking decks. The unconstructed portion of the parking shall be clearly delineated and labeled "Future Parking" on the site plan.

B. Prior to granting the reduction in total parking spaces constructed, the Director of community development/planning and zoning shall conclude that the reduction is justified, and shall approve, in whole or in part, or deny the request stating the reasons therefore in the report.

C. If the Director finds that the parking reduction is no longer justified, the Director shall notify the owner to construct the number of parking spaces necessary to meet the required level.

D. Prior to any change in ownership or use, the owner must apply to the Director for an evaluation and confirmation of the reduction.

4.8.10 Acceptable Locations for Off-Street Parking.

All required parking spaces must be located on an all-weather surface.

A. Single Family Uses. Within single-family and two-family dwellings, the parking or storage of vehicles shall be prohibited except on an all-weather surface. Off-site location of required parking spaces is prohibited. Unenclosed parking spaces may occupy a side yard, and no more than fifty percent (50%) of a required rear yard. A maximum of two (2) spaces may be permitted adjoining the entrance to a front entry garage or carport or adjoining the end of a driveway whenever no garage or carport exists. Garage and carport spaces may count toward the minimum required spaces in single family districts.

    1. Within single family districts when utilized for other than a single-family dwelling, the parking or storage of vehicles shall be located in accordance with the Office/Institutional Uses requirements. Parking or storage of a junk or salvage vehicle shall constitute an unlawful use except that no more than two (2) such vehicles shall be permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.

B. Residential Townhouse Developments: Individually subdivided parcels shall adhere to single-family district standards except that no off-street parking or driveways shall be located within ten (10) feet of any perimeter lot line. Garage carport spaces count toward the minimum required spaces.

C. Multifamily Apartments or Condos Developments: No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be

located nearer than ten (10) feet to any side or rear property line. No off-street parking space shall be located within twenty-five (25) feet of any side or rear property line adjacent to a single-family dwelling district or use, nor within ten (10) feet of any other property line.

D. Office/Institutional Uses. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. No off-street parking shall be permitted within twenty-five (25) feet of any property line which adjoins a single-family residential district or use. Off-street loading areas shall be provided in the rear or interior side yards.

E. Commercial Uses. Uses devoted to commercial establishments shall provide no off-street parking within twenty-five (25) feet of any property line that adjoins a residential district or use and off-street loading areas shall be provided in the rear or interior side yards.

A. Industrial Uses. Uses devoted to manufacturing, warehousing, commercial and other uses permitted in industrial districts shall provide no off-street parking within twenty-five (25) feet of any property line which adjoins a residential use or district.

4.8.11 Limitation on Trucks.

Except for trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding four (4) tons empty weight shall not be stored or parked in any residential zoning district unless engaged in moving household goods or making deliveries.

4.8.13 Off-Site Location of Required Parking.

A. The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within four hundred (400) feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two (2) points.
B. The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory.

4.8.14 Parking in Landscape Areas and Buffers.

No required parking shall be permitted in any required landscape area or buffer.

4.8.16 Off-Street Parking Design Requirements Angled or Parallel Parking.

Aisles serving off-street parking shall be no fewer than twenty-two (22) feet in width, except that aisles designed for one-way circulation systems shall be no fewer than fourteen (14) feet in width for 0-45-degree parking, eighteen (18) feet in width for 46- to 60-degree parking and twenty-two (22) feet in width for 61- to 90-degree parking. A standard parking space shall measure no fewer than one hundred fifty-three (153) square feet and shall be no fewer than eight and one-half (8.5) feet wide. Twenty percent (20%) of the total parking spaces may be designated as compact car spaces. A compact space shall measure a minimum of one hundred twenty (120) square feet with a minimum width of eight (8) feet. Each compact space shall be clearly marked. No part of a vehicle shall overhang into a landscaped portion of a required landscape area.

4.8.17 Parking Structures.

A. Where practicable, the ground floor façade of any parking structure abutting a street or walkway shall be wrapped with retail or office uses. Where appropriate, liner buildings shielding the garage from public view should be considered.
B. Facades shall be designed and architecturally detailed to be compatible and complementary to other uses within the district.
C. When fronting a street, windows or other openings shall be provided.

4.8.18 Bicycle Standards.

A. Bicycle parking should be located within all mixed-use developments and conveniently located near the most convenient automobile spaces (other than those spaces for persons with disabilities).
B. Bicycle parking should be an integral part of the overall site layout and designed to minimize visual clutter.
C. Bicycle parking should be provided in a well-lighted area.
D. Ideally, bicycle parking spaces outside of a building should be located within a one hundred (100) feet diameter of the primary building entrance.
E. Bicycle parking areas should, preferably, afford a four (4) feet wide access aisle to ensure safe access to spaces.
F. All bicycle racks and lockers should be securely anchored to the ground or building structure.

4.8.19 Parking and Storage of Major Recreational Equipment.

A. Major recreational equipment and vehicles, such as boats, recreational vehicles (RVs), and trailers, may be parked or stored on side yards or rear yards or in a carport or enclosed building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot.

B. The Community Development Director is authorized to allow such equipment to be used as living quarters in the following situations, provided that adequate documentation is provided prior to establishing them:

    1. Family hardships and catastrophic events.

    2. Temporary dwelling when a primary structure is being built or modified on the same property.

    3. No more than one (1) such vehicle is allowed to be occupied on-site at any one time. No separate permanent utility hook-ups or fixtures may be installed at any time. Furthermore, no recreational vehicle shall create a safety hazard, including blocking, or

otherwise obstructing, public rights-of-way or sidewalks. Such equipment may be used for a period not to exceed ninety (90) consecutive days.

4.8.20 Parking and Storage of Commercial Vehicles.

Parking, storing, or maintaining any commercial vehicle shall be prohibited in all residential lots, residential complexes, developments, or subdivisions, and in all residential zoning districts.

4.8.21 Electrical Vehicle Charging Stations (EVCS)

A. It is strongly encouraged, but not required under this ordinance, that a minimum of one accessible EV Charging Station be provided.

B. Accessible EV Charging Stations should have a barrier-free route of travel and be in close proximity to the building. It is not necessary to designate the accessible EV Charging Station exclusively for disabled users. Separate from these regulations, the Americans with Disabilities Act (ADA) may require EV Charging Stations to meet accessibility requirements.

C. EV Charging Stations does not impact the number of minimum or maximum vehicle spaces required, as provided.

4.8.22 Encroachment on Public Rights-of-way.

No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public right-of-way. All permanent structures or inorganic objects that are placed near, but not within the right-of-way, shall be located as to not obstruct, hinder or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public.

Chapter 5: SIGN STANDARDS

5.1 Purpose.

The purpose of this chapter is set forth as follows herein:

A. A comprehensive sign regulation is necessary because of the current burgeoning growth in Stockbridge and Henry County in general and because two (2) major interstate highways run through the City and attract numerous signs, leading to poor aesthetics and dropping property values.

B. To prevent the further deterioration of the City and to ensure that it remains an attractive residential area as well as a viable commercial area, it is necessary to maintain a visually satisfying environment. A plethora of signs of a certain size and number, no matter how tasteful, can have an undesirable effect upon traffic safety and the well-being of the entire community. The City is more likely to attract commercial enterprises and permanent residents if it improves and maintains its appearance. City residents will ultimately benefit from enhanced retail and commercial environments and improvements in the quality of life as a result of these regulations. It is a rational desire of the community, and most specifically of those who live therein from day to day, to plan their physical surroundings in such a way that unsightliness is minimized.

C. Further, the City has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and sustain stability of neighborhoods, to protect property against blight and deprivation, and to encourage the most appropriate use of land, buildings, and other structures throughout the City.

D. Accordingly, in consideration of the City's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents, and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the City Council hereby imposes the sign regulations contained in this article.

E. The city council finds that there is a compelling state interest in the City and state being able to safely regulate the speed, direction and flow of vehicular and pedestrian traffic in and around public roads, streets and sidewalks, and quasi-public roads, streets and sidewalks in private property where the general public, invited by the owner, routinely and customarily to enters, transverses, and parks by vehicle and/or by foot. The City has a compelling state interest in the public safety and welfare of motorist and pedestrians in these areas, the safe and expedient access of public safety vehicles such as police, fire and rescue equipment to such areas. The City has a compelling state interest to regulate vehicular and pedestrian traffic

such as to prevent or minimize collisions and the injury or death to persons caused thereby, or the damage to property, both public and private. Therefore, the City determines that there is a compelling state interest in the City's police chief regulating the type, traffic control message and placement of all traffic control signs and devices in the areas described above. The City also has a compelling state interest in insuring that private entities are not allowed to display in the areas described above, signs that imitate or emulate traffic instructional and control signs, devices or messages in such a way as may reasonably be mistaken by the public as true traffic control signs or devices, and thereby could reasonably be expected to cause a motorist or pedestrian to make an improper maneuver which will place the motorist or pedestrian or other motorist or pedestrian in danger of collision or injury due to such improper maneuver. Therefore, the City has a compelling state interest in regulating such signs in the areas described above which imitate or emulate a traffic instructional and control sign or device and which may reasonably be confusing to motorists or pedestrians in these areas.

F. The City's intention in enacting sign legislation has never been directed at nor enforced against the content of the signs; but, has rather focused on the physical characteristics of the sign structures.

G. The City finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, signs at the entrances to subdivisions of developments are for the purpose of providing guidance and to enable both the traveling public and public safety personnel responding to emergencies to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter are unrelated to the content of the speech provided and allow the maximum expressive potential to sign owners. The City further finds that holiday decorations are not signs, but rather seasonal ornamentation not controlled by this chapter.

H. The City Council finds that signs provide an important medium through which individuals and entities may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the City's public welfare. The City Council intends by enacting this chapter to:

1. Balance the rights of individuals and entities to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
2. Protect the public health, safety, and welfare, and the aesthetics of the City;
3. Further the objectives of the City’s comprehensive plan;
4. Reduce traffic and pedestrian hazards;
5. Improve pedestrian and traffic safety;

6. Maintain the historical image of the City;
7. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
8. Promote economic development;
9. Protect the public traveling along the highways from distractions, aesthetic desecration, and nuisances, all associated with the proliferation of signs in a concentrated area along the highway (Turner Communications Corp. v. Georgia Dept. of Transp., 139 Ga. App. 436, 228 S.E.2d 399 (1976)); and
10. Ensure the fair and consistent enforcement of sign regulations.

5.2 Definitions.

For the purposes of this article, the definitions contained in this chapter shall control. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

Aerial view sign. Any sign which is designed primarily to be viewed from the sky from an airplane, helicopter, etc. This includes, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.

Aggregate signable area. The sum total of the signable area of any and all signs, for a given lot. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate signable area.

Animated sign. A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, hand-powered, or electronic means, including wind-activated elements such as spinners and aerial devices, to depict action or create a special effect or scene.

Awning or canopy sign. Any sign on a cloth, metal, plastic, or other cover designed to shade a window or entrances and attached to any structure. See also “mounted signs.”

Back to back sign. A sign with two (2) parallel sign faces oriented in opposite directions.

Banner sign. A flexible substrate on which message copies and graphics may be displayed, attached to buildings or freestanding structure. Banner signs are always temporary, for thirty (30) days. See also the definition for “temporary signs.”

Bench sign. A sign applied or affixed to the seat or back of a bench.

Billboard. A sign which may be supported by a pole structure, with an area of more than 72 square feet but not more than 672 square feet, on parcels adjacent to Interstate 75 and/or Interstate 675 as located within the city limits of Stockbridge.

Building facade. The portion of any exterior elevation of a building extending vertically from grade o the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(a) **Primary facade.** The exterior wall of the building that faces the main parking area or street and includes the primary entrance into the building. If the building faces more than one (1) parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

(b) **Secondary facade.** Any exterior wall of a building with street frontage that does not contain the primary entrance to the building.

Building frontage. The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Business frontage. That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage.

Business subdivision. A single parcel on which multiple businesses are located, or multiple connected parcels on which businesses are located and where the owners of the parcels share any common property.

Candela or candle. The basic unit of measurement of light.

Changeable copy sign. A sign with the capability of copy change or rearrangement by means of manual or remote input or boards or backgrounds upon which changeable letters may be placed, without altering the face or the surface of the sign, includes the following types:

(a) **Manually activated.** Changeable sign whose message copy can be changed manually on a display surface.

Canopy or awning. See "awning or canopy sign."

Copy. The graphic content or message of a sign.

Decal. A picture, design or label made to be transferred (as to glass, wood, metal, or any other hard object) from specially prepared paper.

Decision date. The date upon which the Director of Community Development or the designee makes a final decision on the approval or denial of a sign.

Digital or electronic sign. See "changeable copy sign, electronically-activated." OR A sign that incorporates a technology or method that allows for one or multiple messages on one structure without physically or mechanically replacing sign face or its components. Electronic or digital signs/message boards generally take the form of LED, LCD, plasma or other similar type panels, screens or displays, which function like TV screens, and show messages that change intermittently by computer controller, microprocessor controller or by remote control.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Entrance sign. Any sign placed at the intersection of a public street and a public or private entryway into developments including but not limited to an apartment complex, condominium complex, office complex, industrial complex, residential subdivision, or other building or buildings with multi-family residential dwelling units or multiple commercial units.

Erect. To build, paint, construct, attach, hang, place, suspend, assemble, or affix.

Externally-Illuminated signs. Any sign illuminated by an external light source directed primarily toward such sign.

Façade. The front of a building, facing the primary or secondary street.

Fall Zone. An area that is equal to one hundred thirty-three percent (133%) of the height of the sign in every direction.

Feather flag sign. A temporary banner sign in the shape of a feather or banana installed on a single post and manufactured of lightweight material designed to move with the wind. This is a type of temporary sign.

Flag. A usually rectangular piece of fabric or bunting containing distinctive colors, patterns, symbols or designs that is part of, or attached, to a pole.

Flashing sign. Any sign whose message or appearance scrolls, flashes, rotates, or changes, or whose Illumination changes in intensity more often than once every fifteen (15) seconds, including but not limited to reader boards.

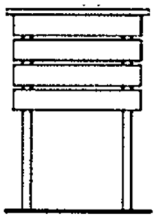
Ground sign. Any sign principally supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building. May also be referenced as Freestanding or monument sign.

(a) **Monument sign.** A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground providing a solid and continuous background for the sign face from the ground to the top of the sign. The structure shall be at least as wide as the sign and shall be constructed of brick, stone, or an architectural masonry material. Does not include pole or pylon signs.



Monument

(b) **Pylon or pole sign.** A freestanding sign, usually double-faced, mounted on one (1) or two (2) supports above ground level.


Pole/Pylon

Hand-held signs. Any sign larger than six (6) inches by six (6) inches carried by a human appendage or prosthesis. Also called portable signs.

Hanging sign. A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign. See also "mounted signs."

Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Inflatable signs. A sign that is intended to be expanded by air or other gas for its proper display except balloons of three (3) cubic feet or less.

Internal signs. Signs not visible from a public right of way and located within a development or subdivision.

Internally illuminated signs. Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

Lot. A single tax parcel as shown on Henry County's tax map.

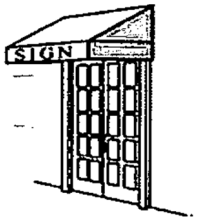
Marquee sign. See "flashing sign."

Mobile sign. Any sign that is either part of or otherwise affixed to any trailer or vehicle, whether motorized or non-motorized.

Monument sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground providing a solid and continuous background for the sign face from the ground to the top of the sign. The structure shall be at least as wide as the sign and shall be constructed of brick, stone, or an architectural masonry material. Does not include pole or pylon signs. See also ground signs.

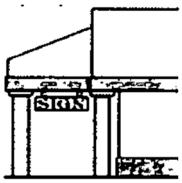
Mounted sign. A sign that is permanently attached to a building.

(a) **Awning or canopy sign.** Any sign on a cloth, metal, plastic, or other cover designed to shade a window or entrances and attached to any structure.



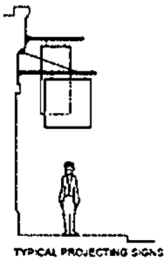
Canopy

(b) **Hanging sign.** A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign.

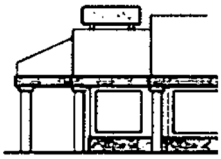


Hanging

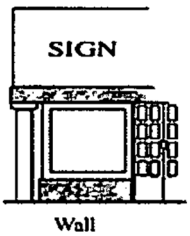
(c) **Projecting sign.** Any sign which is attached perpendicular to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Also called a shingle sign.



(d) **Roof sign.** Any sign that is erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.


Roof

(e) **Wall sign.** Any sign which is attached parallel to or painted on an exterior building wall, which may include a door. Also called a "fascia sign."



Wall

Multi-faced sign. A sign with sign face surfaces that are parallel and are back to back or where the interior angle formed by the faces is forty-five degrees (45°) or less.

Non-combustible material. Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) and will not continue to burn or glow at that temperature.

Nonconforming sign. Signs that were approved or legally erected under previous sign restrictions, and which became or have become nonconforming to the provisions of this article at the date of adoption of same.

Portable signs. A sign designed to be transported or easily relocated and not permanently attached to the ground and not otherwise permanently affixed to it as otherwise required by the building code. See "temporary sign."

Primary facade. The exterior wall of the building that faces the main parking area or street and includes the primary entrance into the building. If the building faces more than one (1) parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces. See also "building façade."

Projecting sign. Any sign which is attached perpendicular to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Also called a shingle sign. See also mounted signs.

Pylon or pole sign. A freestanding sign, usually double-faced, mounted on one (1) or two (2) supports above ground level. See ground signs.

Reflectors. Any device created for the purpose of reflecting light directed at the device so as to render the device especially visible.

Residence. A home, abode, or place where an individual is actually living on a non-temporary basis.

Roof sign. Any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. See also "mounted signs."

Secondary facade. Any exterior wall of a building with street frontage that does not contain the primary entrance to the building.

Sidewalk sign. A movable sign with the structure constructed in an a-frame or easel design that is not secured or attached to the ground or surface upon which it is located by a permanent foundation. Also called a sandwich sign.

Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing different elements that are organized, related, and composed to form a unit shall be considered to be one (1) sign. Where different elements are displayed in a random manner without an organized relationship to each other, or where there is reasonable doubt as to the relationship of different elements to each other, each element shall be considered to be a single separate sign.

Signable area. The total area upon which a message is displayed on any sign. The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight (8) straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within twenty-four (24) inches or less of one another, then the area of the sign shall be measured within one (1) continuous polygon.

Snipe sign. Any sign of any material whatsoever that is attached in any way to or placed upon a utility pole, tree, mailbox, or similar structure situated on public or private property.

Stake sign. Any temporary sign supported by at least one (1) upright placed into the ground, and not supported by or suspended from any building with signable area not greater than eight (8) square feet.

Standard informational sign. A sign not permanently installed in the ground with an area of not greater than four (4) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three (3) feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1½) inches.

Store front. The primary facade of a single, undivided unit located within a commercial center or business park.

Submission date. The date stamped on a sign application indicating the date the application was actually received.

Suspended sign. See “projecting sign” or “swinging sign.”

Swinging sign. Any sign which is mounted such that the sign may freely move back and forth.

Temporary sign. Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one (1) location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure. These signs include but are not limited to balloons and banners.

Tenant frontage. The horizontal distance in feet between the left-side wall and the right-side wall or building end wall of a tenant space fronting on a street.

Vehicular sign. Any sign placed on, mounted on, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended. Also referred to as a “mobile sign.”

Wall sign. Any sign which is attached parallel to or painted on an exterior building wall, which may include a door. See also “mounted signs. “

Window sign. Any sign displayed to an outside observer on or through a window or covering a window, which may include a door.

Zoning district. The use classification of parcels of land as defined under the City's zoning map generally.

15.3 Applications and Permits.

A. Administration. The provisions of this article shall be administered by the Director of Community Development of the City of Stockbridge, Georgia, or his/her designee.

B. Application requirements. All sign permit applications shall be submitted to the Director of Community Development of the City of Stockbridge, rather than to Henry County. Such applications for businesses will not be processed unless the business has a current business license. All applications for sign permits must be complete and contain all required information, as is set forth in this article.

C. Permit application. Application for permits to erect signs shall be made upon forms that are provided by the Director of Community Development or his/her designee and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant;
2. Address of building, structure, or lot to where the sign is to be attached or erected, as well as the zoning district in which the proposed sign is located within and a statement of compliance of all requirements of the zoning district as stated in this chapter;
3. The proposed sign type as defined in this chapter;
4. Position of the sign in relation to nearby buildings or structures, property lines, and other signs located on the lot showing compliance with all setback lines required by the City;
5. A site plan must be submitted to show the location of the proposed sign on the property.
6. Digital copies of accurately scaled color drawings of the plans, contents, specifications, and method of construction and attachment to the building or the ground for the sign, as well as a scaled digital drawing of the site showing drives, structures, landscaping, and any other limiting site features, including the computation of total area and dimensions of the proposed sign, and an indication of whether the sign will be illuminated and description of illumination;
7. A drawing or photograph of the primary façade of the building, showing the following measurements for the building or canopy/awning:
    a. The primary and secondary facades (heights and widths).
    b. The proposed sign structure.
    c. The proposed lettering on the sign. The lettering may be up to 18 inches high.

8. Name of person, firm, corporation, or association erecting the sign (i.e. contractor or builder);

9. Written consent of the owner of the building or lot upon which the sign is to be erected;

10. A written list describing all other signs located on the lot indicating the sign type, size, and placement including photographs of existing building frontage and signage on lot; and

11. Such other information as may reasonably be required for the permitting process relating to the sign to be permitted, the lot upon which the sign is to be placed, and/or the placement of the sign and the effects thereof on traffic patterns, pedestrians, and/or general aesthetics.

D. Permit required. It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign as defined in this article without a permit, except for those signs identified under Section 13.4.

E. Required fees. No permit shall be issued until the appropriate application has been filed and fees for such permit are paid, which shall be fixed from time to time by city council.

F. Issuance and denial of permits.

1. All sign permit applications shall be initially reviewed by the Director of Community Development or his/her designee within fifteen (15) business days of the department's actual receipt of a complete and accurate application and remittance of the appropriate sign permit fees. One or more resubmittals may be required thereafter.

2. Any application that is incomplete, inaccurate, that contains false material statements or omissions, or that is submitted for a sign which would violate any standard within this article shall be rejected within thirty (30) business days of receipt of said application.

3. The Director or the designee shall give notice to the applicant of a decision to approve or deny the sign permit by hand delivery, electronic mail (email), or certified mail return receipt requested to the address on the permit sent on or before the thirty forty-fifth (45) business day of a complete application.

4. Provided that the sign application is complete and accurate, all fees have been paid, and the proposed sign and the lot upon which the sign is to be placed are within all the requirements of this article and all other ordinances of the City and other applicable laws and building codes, the Director or the designee shall approve the sign permit application.

5. A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

G. Time period. If the work authorized under a permit has not been initiated within six (6) months of the date of issuance, or if such work does not comply with building code and construction standards listed in Title 8 of the City of Stockbridge Code, the permit shall become null and void.

H. Display of identification number. Every sign constructed, erected, or maintained for which a permit is required by this article shall be plainly marked with the identification number issued by

the Director or the designee for the structure firmly affixed to the sign in such manner that the identification number shall be readily visible, accessible for inspection and durable.

1. Altering identification number. Displaying an identification number that has been tampered with, altered, or mutilated, or displaying a sign without an identification number shall be a misdemeanor offense punishable in municipal court.

I. Appeals.

1. The grant, rejection or denial of a sign permit by the Director or the designee may be appealed to the City Council pursuant to Section 10.3 Appeal of Administrative Actions of this Ordinance.#Such appeal shall be in writing and shall be filed with the Director of Community Development, within ten (10) days of the decision being appealed.#The City Council shall make its final determination on the appeal within ten (10) days of the close of the hearing.

2. Any appeal of a decision of the City Council under this chapter shall be via petition for a writ of certiorari to superior court within 30 days after the date of the written decision.

15.4 Signs which Require No Permit.

A. The following signs shall not require a permit provided, however, that such signs shall be subject to all other provisions of this article:

1. Wall or window signs that are one (1) square foot in size, and smaller.

2. The replacement of removable sign panels within a sign structure, such that the sign structure is not replaced or modified in any way. This includes but is not limited to replacement of a panel within a multi-tenant sign, or replacement of a panel within a wall sign when the replacement of such panels does not require replacement or modification of the sign structure.

3. Temporary stake signs not exceeding four (4) square feet.

4. Hand held signs.

5. Standard informational signs:

a. Residential lots. Each lot may display two (2) standard information signs without a permit.

b. Nonresidential lots. Each lot having one (1) business may display two (2) standard information signs, and each lot having more than one (1) business may display four (4) standard information signs without a permit.

B. The following signs are exempt from all provisions of this article:

1. Decals that are affixed to buildings or structures, or signs that are painted on equipment, fuel pumps, or other types of vending equipment that is used for dispensing retail products, provided that such decals or signs have a signable area not exceeding four (4) square feet on any single piece of equipment.

5.5 Prohibited Signs.

It shall be unlawful for any person to erect the following signs in the City:

1. Animated signs or attention-getting devices, including flashing, action, motion, or changing color or light intensity;
2. Signs attached to a statue, fence, wall, tree, vehicle, or other similar structure;
3. Aerial view signs;
4. Pole or pylon signs;
5. Roof signs;
6. Mobile signs that are visible from any public right-of-way;
7. Signs which contain or are in imitation of an official traffic control sign or signal or contain the words "stop," "go," "slow," "danger," "detour," "speed limit," "yield" or similar words intended to direct or regulate traffic;
8. Inflatable signs or objects;
9. Snipe signs (homemade signs);
10. Neon-illuminated signage;
11. Any signs that are placed in, or extending into, a public right-of-way;
12. Any abandoned or non-maintained signs in visible disrepair;
13. Beacons, search lights, lasers;
14. Signs located on the railroad right-of-way; or
15. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.

5.6 Construction Standards—All Signs.

A. Building code compliance. All signs shall be constructed and maintained in accordance with the provisions of the City's building code.

B. Materials required. All ground signs for which a permit is required by this article, except those otherwise referred to in this chapter and temporary signs, shall be constructed of brick, stone, stucco, or architectural masonry material.

C. Illumination.

1. Nonresidential districts:

a. Types of Illumination—No sign shall be illuminated by neon lights, by lights that flash, move, change in intensity, or turn on intermittently more than once per day,

except letters or numbers that are not greater than twelve (12) inches in height and do not have a display area greater than two (2) square feet which may change no more than one (1) time every sixty (60) seconds.

b. Orientation of Illumination—To prevent glare visible from a public street or adjoining property, the beam of any light shall be directed so as not to be visible beyond the sign at which it is directed, and the light source shall not be visible from any point on an adjacent property or the public right-of-way.

c. Brightness-- Light from any illuminated sign shall not be more than 0.5 footcandles intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties

2. Residential districts. Signs located in residential districts shall not be illuminated other than signs at the entrance of the subdivision.

3. Internal illumination. Signs internally illuminated shall not exceed twenty (20) footcandles of incandescent light measured at a distance of ten (10) feet from such structure.

4. External illumination. Signs externally illuminated shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition.

D. Construction near or on a lot containing an existing billboard or pylon.

1. Construction of any structure, building, or appurtenance adjacent to, or on a lot containing an interstate sign, billboard, pylon or ground sign under the standards of this provision shall require that:

a. No buildings, structures, or appurtenances may be constructed within the "fall zone" of such sign. A "fall zone" is defined as an area equal to one hundred thirty-three percent (133%) of the height of the sign in every direction.

b. No subdivision of a parcel containing a billboard shall be permitted unless the subdivided lot containing the billboard is large enough to encompass the "fall zone" of such billboard.

2. Construction of any interstate sign, billboard, pylon, or ground sign on a lot containing any structure, building, or appurtenance under the standards of this provision shall require that:

a. No sign may be constructed where a building, structure or appurtenance will be located within the "fall zone" of the sign. A "fall zone" is defined as an area equal to one hundred thirty-three percent (133%) of the height of the sign in every direction.

b. No subdivision of a parcel containing an interstate sign, billboard, pylon or ground sign shall be permitted unless the subdivided lot containing the sign is large enough to encompass the "fall zone" of such sign.

E. Maintenance required. All signs, together with all supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free

from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

5.7 Sign Measurement.

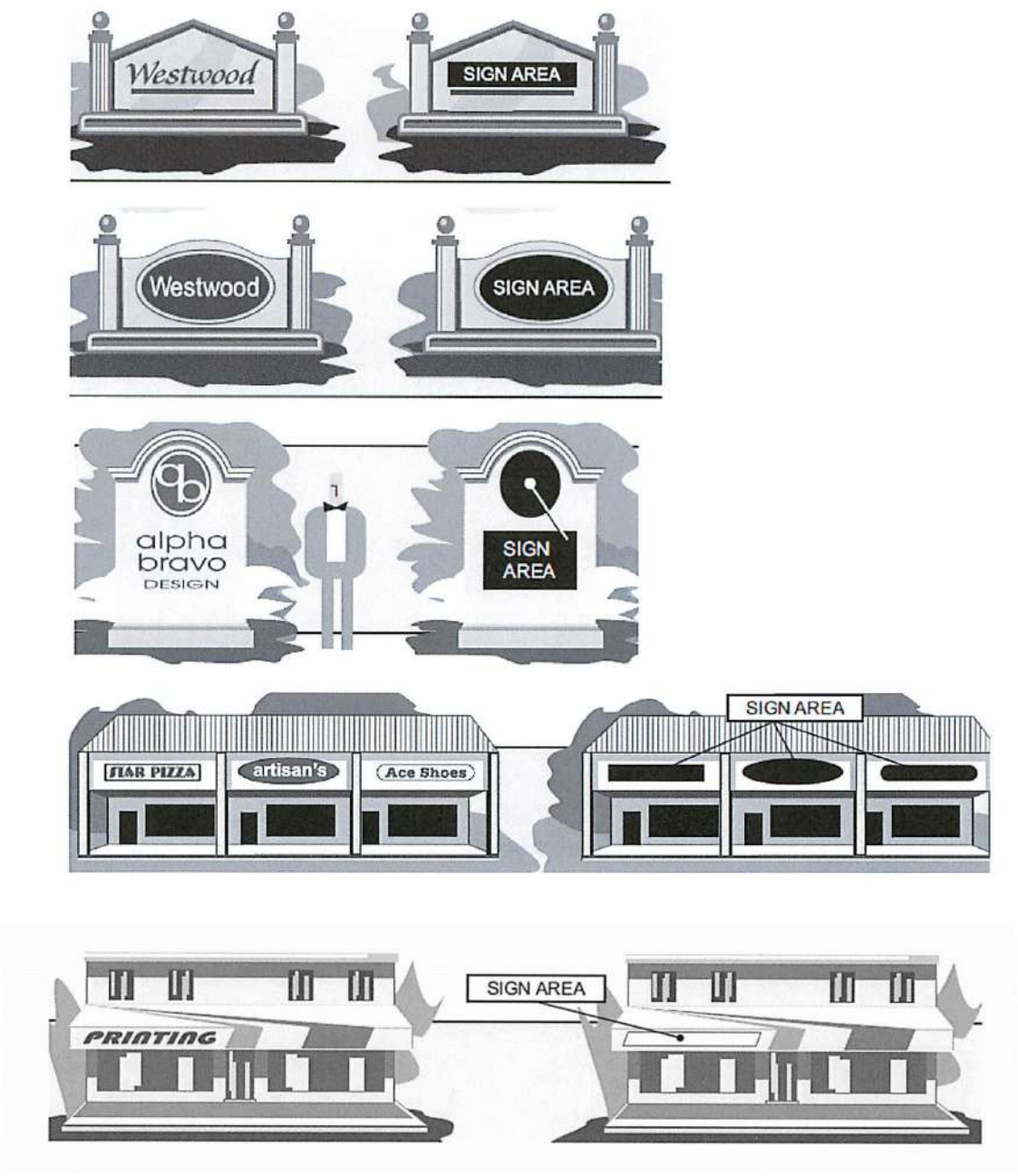
A. Area. The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight (8) straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign area from the structure upon which it is placed. If polygons established around wall signs located on the same street-oriented wall are within twenty-four (24) inches or less of one another, then the area of the sign shall be measured within one (1) continuous polygon.

B. Height. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is greater (surveyor's certificate required). Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required). At no time shall any sign's overall height exceed the zoning district's height limitations. Any portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign shall be included when computing sign height.

C. Structure. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delineates the sign face.

D. Multi-faced signs. For multi-faced signs, when the sign face surfaces are parallel and are back-to-back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

E. Sign area examples. The following illustrations show examples of the locations of the “sign area” on different types of buildings or structures.



5.8 Special Requirements; All Signs.

A. All signs must be placed upon a lot. No sign may be placed on any lot, which lot does not meet the minimum requirements of the zoning ordinance and subdivision regulations of the Code of Stockbridge, Georgia.

B. Obstruction to doors, windows, or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape; nor shall any sign be attached to any standpipe or fire escape.

C. All signs located adjacent to a walkway shall be placed so that the bottom of the sign is at least eight (8) feet above the walkway on private property over which it is erected, and no sign shall extend nearer than one (1) foot from the curb line.

D. Sign not to constitute traffic hazard. No sign or other structure regulated by this article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision from vehicles thereupon; or be placed at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device; or make use of the words "STOP," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse motorists.

E. Posting on trees, poles, etc. No sign shall be allowed to be tacked, painted, posted, marked, or otherwise affixed on trees, utility poles, or other similar structures, or on rocks, the ground itself, or other natural features.

F. No posting on supports. No sign may be displayed on any portion of the structural supports of any sign.

G. Maintenance. All signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.

H. Special situations. Those developments which include at least one (1) building of three (3) stories or more may be permitted wall signs in sizes not exceeding one hundred (100) square feet per primary and secondary facade. The sign allowance provided under this subsection shall be exempt from the aggregate signage allowed per lot.

5.9 Special Limitations by Sign Type.

In addition to the limitations set forth in the other sections of this article, the following limitations shall apply to these specific types of signs:

A. Wall signs. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

B. Window signs. Window signs must not exceed twenty-five percent (25%) of the total area of each window in which a sign is placed.

C. Ground signs.

1. All ground signs must be constructed as a monument style sign. Pole and pylon signs are prohibited.
2. The structure of the monument sign shall be at least as wide as the sign face.
3. A monument sign shall have a three (3) foot landscape strip planted around its base.

4. All ground signs shall be constructed of brick, stone, stucco, or architectural masonry material.

5. For all commercial, office, industrial, and multifamily developments, address numbers shall be posted on the top of the faces of the monument signs at the main entrance of the development. For developments that contain multiple addresses and/or building numbers, the range of addresses and/or building numbers shall be on the face of the monument. The numbers shall be six (6) inches in height and the color shall contrast with the sign faces so as to be readily identifiable.

D. Projecting signs.

1. No projecting sign may be placed over streets, alleys, or ways available for vehicular traffic, or extend into the public right-of-way.

2. All projecting signs must be installed at a ninety degree (90°) angle to the building facade.

3. Projecting signs must vertically clear sidewalks by at least eight (8) feet and may project no more than six (6) feet from a building.

4. Projecting signs must not project above the roof line, or exceed ten (10) feet in height.

E. Temporary signs.

1. A permit is required for all temporary signs unless otherwise specified in Section 5.4.

2. Temporary signs include hammer signs and feather-flag signs.

3. Temporary signs must be removed from the premises within thirty (30) days from the date the sign is first placed on the lot.

4. No lot may have more than two (2) temporary signs on the lot at one time, subject to the maximum aggregate square footage allowed in Section 5.11.

5. No applicant may receive more than four (4) temporary sign permits in any one (1) calendar year under this subsection.

6. All temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the building code, electrical code or as promulgated by the City Council or its designated representative.

7. If any temporary sign is erected or maintained in such a manner so as to be in violation of this article or any other ordinance or law of the City, the City may give written notice to the owner thereof and to the owner of the property and premises upon which the sign is located that the sign must be removed within three (3) days.

F. Awning/canopy signs.

1. Signs must be painted or installed directly on the valances of the awning or canopy.

2. Awning signs shall not have lettering or graphics exceeding eighteen inches (18”) in height.

3. No awning sign may be internally illuminated.

4. The signable area of any awning sign shall not exceed twenty-five percent (25%) of the surface area of the awning or canopy.
5. Awnings must be constructed of durable fabric or non-rigid material on a supporting framework.
6. Awnings must vertically clear sidewalks by at least eight (8) feet and may not extend further than one (1) foot off the curb line.

G. Entrance or subdivision sign. All entrance signs shall be placed on private property and may not be placed in the right-of-way.

H. Flags.

1. In-ground. A flag may be flown from a metal pole which is permanently placed in the ground. The pole shall not exceed two and five-eighths inches (2 ⅝") in diameter, nor twenty feet (20') in height. The flag flying from such pole shall not exceed three feet (3') in width and five feet (5') in length.
2. Projecting. A flag may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or door frame. The pole shall not exceed six feet (6') in length, nor one (1) inch in diameter. The flag flying from such pole shall not exceed three feet (3') in width and five feet (5') in length. Additionally, the flag displayed in such manner shall not impede pedestrian or vehicular traffic.
3. Limit. One (1) flag (either ground, projecting or hanging) may be flown or displayed on each property which shall not count against the allocation of the ground, projecting or window signage permitted for each property as described in Section 5.11. Any additional flags beyond the first flag flown on each property will count against the allocation of the ground, projecting, or window signage permitted for the property as described in Section 5.11.
4. Nothing contained in this section shall be interpreted to prohibit or restrict the right to display eligible flags as banners or signs as allowed elsewhere in the Code of Ordinances of the City.

I. Changeable copy signs.

1. In districts where changeable copy is allowed, it shall be limited to the ground sign only and may incorporate up to twelve (12) square feet of the allowable sign area.
2. A parcel or lot is limited to one (1) changeable copy sign per lot.
3. No changeable copy sign may contain more than three (3) horizontal pieces of information that shall change. Signs must contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message.
4. Changeable copy shall not change more than once every twenty-four (24) hours.

J. Hand-held signs. All hand-held signs shall meet the following regulations:

1. No hand-held signs shall be placed or carried which extend beyond the width of the carrier's body or that extend more than six inches (6") above the carrier's head.

2. All persons carrying any such signs, shields or sandwich boards shall remain at least ten feet (10') apart, shall remain at least ten feet (10') away from any doorway, driveway or street intersection and shall not interfere with the general flow of traffic, whether pedestrian or vehicular.

K. Internal signs. A maximum of four (4) Internal signs (signs not visible from a public right-of-way) are permitted adjacent to internal road(s) serving the development. Internal signs shall not exceed ten (10) square feet and four (4) feet in height except those signs associated with hospitals and emergency care facilities shall not exceed twenty (20) square feet in area.

L. Banners on City property.

1. Banners shall be considered temporary signs as defined in Section 5.2 of the sign ordinance.

2. In addition to the special limitations found in Section 5.9 of the sign ordinance, banners placed on City property shall be further regulated as follows:

a. Banners can be displayed for no more than forty-eight (48) hours after the event;

b. No person shall be permitted to display more than one (1) banner on the City's property, and only one (1) banner shall be displayed on the City's property at any given time; and

c. No banner shall be any larger than sixty (60) square feet.

5.10 Variances for Signs.

This section shall provide the exclusive procedures for granting variances to the requirements of this article for signs.

A. *Limitations.* The planning and zoning commission shall be allowed to grant variances where a hardship has been demonstrated pursuant to the City's Zoning Ordinance. Said variance or variances may only be granted as to number, set back, building material, size or sign style. Variances may not be granted for sign height.

B. *Timing.* The City Council shall hear and decide upon a variance within 90 days of the submission of a complete and accurate application.

C. The mere existence of a nonconforming sign shall not constitute a valid reason to grant a variance.

D. The City Council shall consider the following factors:

1. The size of buildings constructed on the subject lot

2. The number of different tenants occupying the buildings

3. Whether there exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the area.

4. Whether granting a variance requested would confer upon the property of the applicant any significant privileges that are denied to other similar properties. Furthermore, peculiar conditions or circumstances which are the result of actions of the current or former owner(s) of the property covered by the application cannot be considered as grounds to justify a variance.

5.11 Requirements by Zoning Classification.

In addition to all other regulations in this article, all signs must conform to the requirements and the tables which are contained in this section.

A. All signs shall be required to be located within the required front yard of a principal structure and shall not be permitted to extend beyond the front property line into the street right-of-way. The location of signs shall not interfere with the view of a traffic signal or traffic vision. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring fifteen (15) feet along both street side property lines from their intersection.

B. In order to erect a second wall sign, a use must have frontage on two (2) publicly dedicated streets (such as on a corner lot), with each street including a legal curb cut, or be located within an end unit of a building on any lot.

C. In order to erect a second monument/ freestanding sign there must be a minimum lot area of one (1) acre to permit a second such sign to be erected. In those instances where one (1) of the street frontages is on a street serving a residential district, a second sign shall be prohibited.

D. Lots zoned RR, SR, CCR, and MHR (where a single residence is on the lot) and MFR (where a single residence is on the lot).

    1. The total of all signs shall not exceed four (4) signs of any allowed type per residential lot.

    2. The following signs are prohibited, along with the prohibited signs designated in Section 5.5:

        a. Projecting signs;

        b. Awning signs;

        d. Changeable copy signs;

        e. Monument signs (except when used as subdivision entrance sign); and

        g. Wall signs.

TABLE 5.11(A): Sign Requirements for RR, SR, CCR, MHR, and MFR Zoning Districts

Sign Requirements:	**Window Sign**	**Temporary**	**Subdivision Entrance Sign**
Max height	None	3'	6'
Max width	None	None	None
Max sq. ft. of signable area	4	4	32
Total aggregate of all signs	16	16	None
Max number of signs per lot	2	4	1 per entrance
Required minimum setback from right-of-way	None	1'	6'
Required minimum setback from electrical transmission lines	None	None	10'

E. Multi-family residential lots zoned RM.

1. The total aggregate signable area allowed per lot must not exceed sixty-four (64) square feet.
2. The following signs are prohibited, along with the prohibited signs designated in section 13.5:

   a. Projecting signs;

   b. Wall signs; and

   c. Changeable copy signs.

TABLE 5.11(B): Sign Requirements for Multi-Family Residential Lots Zoned RM

Sign Requirements:	**Window Sign**	**Temporary Sign**	**Monument Entrance Sign**
Max height	None	None	6'
Max width	None	None	None
Max sq. ft. of signable area	4	16 total (aggregate of all signs)	32
Total aggregate of all signs	16	16	None
Max number of signs per unit	2	2	1 per entrance
Required minimum setback from right-of-way	None	None	5'
Required minimum setback from electrical transmission lines	None	None	10'

F. Commercial lots zoned C-1, C-2, and C-3 With Multiple business per lot or business subdivision.

1. One (1) principal freestanding sign is permitted per lot.
2. One (1) wall sign is permitted per primary exterior entrance for each business or building per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located. For corner lots, a second wall sign may be permitted facing the side street. End units of buildings on any lot may also have a second wall sign on the side of the building.
3. The following signs are prohibited, along with the prohibited signs designated in section 5.5:
   a. Pole or pylon signs; and
   b. Roof signs.
4. All panels in multi-tenant monument signs must have equal signable area.

TABLE 5.11(C): Sign Requirements for Commercial Lots Zoned C-1, C-2, and C-3

(Multiple Business Per Lot or Business Subdivision)

Sign Requirements:	**Monument/Freestanding Sign**	**Projecting Sign**	**Wall Sign**	**Temporary Sign**	**Window Sign**	**Awning Sign**
Max height	8'	None	None	8'	None	18" lettering
Max width	None	None	None	8'	None	Building width
Max sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	24	Not to exceed the smaller of 10% per tenant wall area or 100 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, except 2 if permitted by Section 5.11(C)	1 per tenant, per street frontage	1 per primary exterior entrance	2	3	1 per tenant, per street frontage
Required minimum setback from right-of-way	5'	None	None	5'	None	None
Required minimum setback from electrical transmission lines	10'	10'	None	10'	None	None
Max projection from wall	None	6'	None	None	None	None

G. Commercial lots zoned C-1, C-2, and C-3 with Single business per lot.

1. Each lot is permitted one (1) principle freestanding sign and one (1) wall sign for each street-facing wall.
2. The following signs are prohibited in this district, along with the prohibited signs designated in section 13.5:

a. Pole or pylon signs; and

b. Roof signs.

TABLE 5.11(D): Sign Requirements for Commercial Lots Zoned C-1, C-2, and C-3 (Single Business Per Lot)

Sign Requirements:	**Monument/Freestanding Sign**	**Projecting Sign**	**Wall Sign**	**Temporary Sign**	**Window Sign**	**Awning Sign**
Max height	8'	None	None	8'	None	18" lettering
Max width	None	None	None	8'	None	Building width
Max sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	24'	Not to exceed the smaller of 10% per wall area or 100 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, except 2 if permitted by Section 5.11(C)	1	1 per primary facade, 1 per secondary facade	2	3	1
Required minimum setback from right-of-way	1'	None	None	1'	None	None
Required minimum setback from electrical transmission lines	10'	10'	None	10'	None	None
Max projection from building	None	4'	None	None	None	None

H. Industrial lots zoned LI and HI (Multiple businesses per lot or business subdivision.

1. One (1) principal freestanding sign is permitted per lot, except as allowed per Section 5.11(C).
2. One (1) wall sign is permitted for each business per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located. For corner lots, a second wall sign may be permitted facing the side street. End units of buildings on any lot may also have a second wall sign on the side of the building.
3. The following signs are prohibited in industrial districts, along with the prohibited signs designated in section 13.5:
   a. Changeable copy signs.

TABLE 5.11(E): Sign Requirements for Industrial Lots Zoned LI and HI (Multiple Business Per Lot or Business Subdivision)

Sign Requirements:	Monument/Freestanding Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Max height	8'		8'	None	18" lettering
Max width	None	None	8'	None	50% of Building width
Max. sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	Not to exceed the smaller of 5% per tenant wall area or 150 sq. ft.	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of Awning space
Max number allowed	1, except 2 if permitted by Section 5.11(C)	1 per tenant, per street frontage	2	3	1 per tenant, per street frontage
Required minimum setback from right-of-way	5'	None	5'	None	None
Required minimum setback from electrical	10'	None	10'	None	None

transmission lines					

I. Industrial lots zoned LI and HI (Single business per lot.)

1. Each lot is permitted one (1) principal freestanding sign, except as allowed per section 5.11(C) and one (1) mounted sign for each street-facing wall.
2. The following signs are prohibited in this district, along with the prohibited signs designated in Section 5.5:

   a. Changeable copy signs.

TABLE 5.11(F): Sign Requirements for Industrial Lots Zoned LI and HI

(Single Business Per Lot)

Sign Requirements:	**Monument/Freestanding Sign**	**Wall Sign**	**Temporary Sign**	**Window Sign**	**Awning Sign**
Max height	8'	None	8'	None	18" lettering
Max width	None	None	8'	None	50% of building width
Max sq. ft. of signable area	1 sq. ft. per linear foot of Building Frontage up to 64 sq. ft.	Not to exceed the smaller of 5% wall area or 150 square feet	32 total (aggregate of all signs)	25% of the area of each window in which a sign is placed	10% of awning space
Max number allowed	1, 2 if permitted per Section 5.11(C)	1 per street frontage	2	None	1
Required minimum setback from right-of-way	5'	None	5'	None	None
Required minimum setback from transmission lines	10'	None	10'	None	None

J. Office and institutional lots zoned OI

1. One (1) principle freestanding sign is permitted per lot, except as allowed per Section 5.11(C).

   a. One (1) wall sign is permitted per primary exterior entrance for each business or building per street-frontage. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business where the primary entrance is located. For corner lots, a second wall sign may be permitted facing the side street. End units of buildings on any lot may also have a second wall sign on the side of the building.

2. The following signs are prohibited in this district, along with the prohibited signs designated in Section 5.5:

   a. Changeable copy signs.

TABLE 5.11(G): Sign Requirements for Office Institutional Lots Zoned OI

Sign Requirements:	**Monument/Freestanding Sign**	**Projecting Sign**	**Wall Sign**	**Window Sign**	**Awning Sign**	**Temporary Sign**
Max height	8'	None	None	None	10" lettering	8'
Max width	None	None	Building width	None	Building width	8'
Max sq. ft. of signable area	32 sq. ft.	10 sq. ft.	Not to exceed the smaller of 5% of the wall area or 100 sq. ft.	25% of the area of each window in which a sign is placed	10% of the awning space	32 total (aggregate of all signs)
Max number allowed	1, 2 if permitted per Section 5.11(C)	1 per street frontage	1 per street frontage	3	1 per street frontage	2
Required minimum setback from right-of-way	5'	None	None	None	1'	None
Required minimum setback from electrical	6'	None	None	None	None	None

transmission lines						
Max projection from building	None	4'	None	None	None	None

K. Planned Unit Developments

1. Master sign plan. The intent of the master sign plan is to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.

2. Approval required. Approval of a master sign plan shall be required as part of the development review process in any district that is zoned 'PUD' (Planned Unite Development). All signs that are erected or maintained shall conform at all times to the approved master sign plan. The signs which are approved through the master sign plan are the only signs that are allowed; any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved.

3. Master sign plan application. An application for a master sign plan shall include the following information:

   a. All information as outlined in Section 5.3 of this article;

   b. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;

   c. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;

   d. An elevation drawing or photo depicting the proposed location of signs on buildings, walls or windows;

   e. Computation of the maximum total sign area. For buildings with two (2) or more separate businesses, computations shall identify the total maximum area each individual business will be allowed;

   f. Plans, including window signage should indicate the areas of the windows to be covered;

   g. Master sign plans must be signed by all owners or their authorized agents.

4. Master sign plan review. An application for a master sign plan shall be reviewed as part of the development review process.

5. Individual sign permits. Individual sign permits are required for all signs contained within an approved master sign plan.

6. Amendments. A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements in this section.

7. Significant development exceptions. An exception for one (1) additional freestanding sign may be granted under the master sign plan for significant developments which meet at a minimum all criteria set forth below:

    a. The development is located on a single tract, parcel, or lot;

    b. The parcel is to be used for commercial;

    c. The tract size is a minimum of fifteen (15) acres and the primary frontage of the lot is at least five hundred (500) linear feet or more; and

    d. The lot has two (2) or more entrances on the street on which it has its primary frontage.

8. One (1) maximum sixty-four (64) square foot monument sign along the primary frontage may be substituted for two (2) single-faced freestanding signs not to exceed thirty-two (32) square feet and six (6) feet in height.

L. Master sign plan for multi-jurisdictional developments. The intent of the master sign plan for multi-jurisdictional developments is to promote consistency among signs within a development that is situated within the City of Stockbridge and one or more other municipalities or the unincorporated areas of a county and enhance the compatibility of signs with the architectural and site design features within such development.

1. The Director may authorize a master sign plan for a development that is situated within the City of Stockbridge and one or more other municipalities or the unincorporated area of Henry County. All signs erected or maintained shall conform at all times to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed; any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved by the City Council.

2. Master sign plan application. An application for a master sign plan for a multi-jurisdictional development shall include the following information:

    a. All information as outlined in Section 5.3 of this article;

    b. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;

    c. An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;

    d. An elevation drawing or photo depicting the proposed location of signs on buildings, walls or windows;

    e. Computation of the maximum total sign area. For buildings with two or more separate businesses, computations shall identify the total maximum area each individual business will be allowed;

f. Plans, including window signage should indicate the areas of the windows to be covered;

g. Master sign plans must be signed by all owners or their authorized agents.

3. The master plan may include standards for signs which deviate from the general standards provided for herein so long as each jurisdiction approves the same master plan.

4. Individual sign permits. Individual sign permits are required for all signs contained within an approved master sign plan.

5. Amendments. A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements in this section.

5.12 Unsafe and Unlawful Signs.

A. If the Director or the designee finds that any sign that is regulated herein is unsafe or unstable, or is a menace to the public health or safety, or is abandoned, or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, the Director or the designee shall notify the permittee, owner, or occupant of the property on which the sign is located by certified mail of such violation. Said notice shall include a brief and complete statement of the violations to be remedied. If the permittee, owner, or occupant of the property where the sign is located cannot be located, notice shall be provided by the Director or its designee affixing the notice to the sign or to the building on which the sign is erected.

B. If the permittee or property owner fails to remove or alter or fix the structure so as to comply with the standards herein set forth within ten (10) days after such notice, the permit for such sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in Section 5.14 of this article.

C. In any case in which a sign is an immediate threat to the physical safety of persons or adjoining property, the Director or his or her designee may cause such structure to be removed summarily and without notice and cause the cost of same to be placed as a lien on the property upon which the sign sits.

5.13 Nonconforming Signs.

A. The following provisions shall apply to signs which, on the effective date of this article, were approved and legally erected under previous sign restrictions and which became nonconforming with respect to the requirements of this article's restrictions:

1. No change shall be made in the size of any nonconforming sign, nor shall any structural changes be made in such a sign unless the sign is brought into compliance with the provisions of this article.

2. Except as provided in this article, any sign that is erected on any public property or right-of-way in violation of this article may be removed therefrom by duly authorized employees of the City, and the responsible party may be cited for such violation.

3. A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.

4. No additional sign or advertising device shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this article.

5. No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this article, an illegal sign, an unpermitted sign, a damaged sign, a sign in need of repair or painting, or a sign in violation of this article.

6. A nonconforming sign may not be replaced by another nonconforming sign except where such sign is damaged or destroyed by act of God or changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.

7. A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

B. The substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted.

C. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article. The replacement of existing sign panels is permissible without a sign permit, provided that no changes are made to the sign structure itself.

D. No change in location, shape, height, size, or design shall be permitted on a nonconforming sign except to make the sign comply with all requirements of this article.

E. Grandfathering. Nonconforming signs must be removed from site when any of the following conditions occur:

1. Ninety (90) days after a business is closed, if no new business is operating inside the same building or tenant space, non-conforming signs must be removed;#

2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or

3. The sign has been damaged or destroyed to such extent that more than minor repairs (greater than twenty-five (25) percent of the replacement cost of the existing sign) or a structural change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this chapter. This subsection shall not apply to signs that are located adjacent to an interstate highway, or otherwise positioned so as to be visible from the interstate highway.

5.14 Enforcement.

A. Enforcement personnel. The enforcement of this article shall be within the jurisdiction of the Community Development Director, a police officer of the city, or the city's code enforcement personnel. The enforcement personnel shall have such powers as are to enforce and give effect to this article, including, but not limited to, the issuance of citations for violations of this article.

B. Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roadways.

C. Repair of signs.

1. Any sign which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous and is deemed to be a public nuisance. Upon the above determination, the director of planning shall cause notice of the same to be mailed by written notice, registered mail return receipt requested, to the owner of the sign if the same may be determined or to the owner of the property upon which said sign is located, that the owner shall be given 30 days from the date of receipt of such notice to repair the sign.
2. If the sign owner or property owner fails to repair the sign so as to comply with the standards herein set forth within 30 days after such notice, the permit for such sign shall be revoked and the permitee or property owner shall be subject to the penalties set forth in this article, including but not limited to the removal of the sign by the city.

D. Removal of signs with notice.

1. The enforcement personnel may order the removal of any sign that has been issued a permit and is in violation of this article, by written notice, registered mail return receipt requested, to the permit holder. The removal order shall be issued only after the appropriate party fails to comply with the terms of this article within five days after the receipt of written notice of noncompliance by the city or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.
2. An aggrieved party may appeal the removal order or the notice finding the sign in disrepair within ten days from the date the notice was received to the Director.
3. If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal of the order of removal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this article.

E. Removal of signs without notice. The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign:

1. Is upon the public right-of-way or upon other public property; or
2. Poses an immediate threat to the life or health of any members of the public; or
3. The sign does not have a permit and is in violation of this article.

In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to any one or combination thereof of the following:

1. To the owner of the sign;
2.)To the erector of the sign;
3. To the property owner upon which such illegal sign is located; or
4. To the person or to the business entity who procured the erection of the sign.

F. Charges to legal entity. If the criminal charges shall issue to a legal entity registered to do business in any state, such as a corporation, limited liability company, partnership or the like, then in that case, the citation for such violation may be issued to both the legal entity and any or all of the officers or employees of the legal entity who are culpable of violating this article.

G. Evidence in prosecution. Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.

H. Costs of removal. Removal of any sign as provided for in this section shall be without liability to the city, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the code enforcement personnel shall certify the amount thereof for collection to the city attorney. Following such removal or repair, the county may collect the costs as provided in this subsection.

I. Invalid permits. The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this article or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this article. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings pursuant to this article against the property owner, sign owner, lessee, sign erector or a combination thereof.

J. Civil actions. The enforcement personnel or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this article.

K. Citations. Any violation of this article may be tried upon citations issued by the enforcement personnel pursuant to O.C.G.A. § 36-32-10.2. Without limitation, sign erectors, sign owners and

such other parties responsible for the violation may be cited for violation of any provisions of this article.

L. Penalties. Any person who violates any section or provision of this article after the conviction upon a citation issued to the municipal court of the city shall be fined as per the fine schedule determined by the municipal judge, in accordance with O.C.G.A. § 36-32-5.

M. Remedies cumulative. All remedies and penalties specified in this article are cumulative.

5.16 Conflict and Severability.

A. Conflict. If any part of this chapter is found to be in conflict with any other ordinance of this City, county or any state or federal statute, the most restrictive or highest standard shall prevail. If any part of this sign ordinance is explicitly prohibited by state or federal statute, that part shall not be enforced.

B. Severability. This chapter is declared to be severable. In the event any section, subsection, sentence, clause or phrase of this chapter shall be declared or adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the validity of this ordinance as a whole, or the other sections, subsections, sentences, clauses or phrases of this chapter, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The City hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Chapter 6: NONCONFORMING STANDARDS

6.1 Nonconforming Lots, Structures and Uses.

6.1.1 Generally.

A. Lots, structures or uses that were lawfully established prior to the effective date of this Unified Development Code, but which do not comply with the requirements set forth in this Unified Development Code, are considered legal, nonconforming lots, structures or uses.

B. The intent of this section is to allow such nonconformities to continue until they are removed or abandoned. The intent of this section is also to ensure that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for creating lots, or adding structures or uses prohibited in a particular zoning district.

C. Nonconforming uses are hereby declared incompatible with uses permitted in the zoning district in which the nonconforming use is located.

D. Nothing in this section shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures, or structures that contain nonconforming uses, provided the following circumstances exist:

1. Repairs do not exceed ten (10) percent of the current replacement cost of the nonconforming portion of the structure during any period of twelve (12) consecutive months; and

2. The cubic area of the structure is not increased.

E. A structure damaged by any means to an extent more than fifty (50) percent of replacement cost at the time of the occurrence shall be rebuilt only in conformity with this Unified Development Code.

F. Fair market value, when required, shall be determined by reference to current rules and/or regulations pertaining to real estate assessment and the records of the Henry County Tax Assessor.

G. A structure damaged by any means to an extent less than fifty (50) percent of the fair market value may be restored and occupied as before the damage, provided the following condition is met:

1. Restoration shall be commenced within six (6) months from the date damages were incurred.

Rebuilding and use of the land or structure not commenced within six (6) months shall thereafter conform to the provisions of this Unified Development Code.

H. A nonconforming structure, or a structure containing a nonconforming use, declared by the Director to be physically unsafe or unlawful due to lack of repairs and maintenance shall not

thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located.

6.1.2 Nonconforming Lots of Record.

A. A single family dwelling and permitted accessory structures may be built on a single lot of record in any zoning district in which single family dwellings are permitted, subject to the following conditions:

1. The lot of record was established on or before the effective date of this Unified Development Code;
2. The lot of record is held in separate ownership from adjacent lots with continuous frontage on the same street;
3. The lot is nonconforming due to failure to meet standards for the zoning district for minimum lot area and/or minimum lot width; and
4. The lot is developed in compliance with standards for front, side, and rear yard setbacks and building height for the zoning district in which it is located.

B. Lots of record with continuous frontage that became nonconforming on the effective date of this Unified Development Code shall meet the following requirements prior to establishment of any use or development:

1. The lots of record consist of two (2) or more lots, combinations of lots, and portions of lots that are in single ownership and have continuous frontage;
2. A lot or a portion of a lot does not meet the standards of the zoning district for lot area and lot width;
3. The combination of lots shall be considered to be an undivided parcel for the purpose of developing according to the site design standards of the zoning district;
4. No portion of the undivided parcel shall be used or sold in a manner that does not comply with minimum lot area and minimum lot width requirements established by this Unified Development Code; and
5. No lot shall be created that does not comply with the lot area and lot width standards of this Unified Development Code.

6.1.3 Nonconforming Structures.

A lawfully established structure that becomes nonconforming upon or after the effective date of this Unified Development Code may remain subject to the following conditions:

A. The structure is only nonconforming as concerns the following site design standards:

1. Minimum lot area;
2. Minimum lot frontage

3. Maximum lot coverage or impervious surface ratio;

4. Maximum building height; and

5. Minimum front, side and rear yard setbacks.

B. The structure shall comply with all other standards and requirements of this Unified Development Code.

C. The nonconforming structure shall not be enlarged.

D. The structure or portion thereof may be altered to decrease the degree of nonconformity.

E. A nonconforming structure relocated any distance for any reason shall be brought into conformance with the site design standards of the zoning district to which it is relocated.

6.1.4 Nonconforming Uses.

A lawfully established use that becomes nonconforming upon or after the effective date of this Unified Development Code may continue subject to the following stipulations:

A. A structure containing a nonconforming use shall not be enlarged, extended, built, rebuilt, relocated or structurally altered except to change to a use permitted in the zoning district in which the structure is located.

B. A nonconforming use shall not be extended to occupy any area outside the existing structure devoted to the use. Any nonconforming use may be extended throughout any portion of a building that was manifestly arranged or designed for such use on the effective date of this Unified Development Code or amendment thereto.

C. A nonconforming use that is replaced by a permitted use on land, in a structure, or structure and land in combination shall not be resumed. A nonconforming use cannot be replaced by another nonconforming use.

D. A nonconforming use of land, a structure or structure and land in combination that is abandoned for more than six (6) consecutive months (except when government action impedes the use of, or access to, the premises) shall not be resumed. The use, structure, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

6.1.5 Termination of Detrimental Nonconforming Structures or Uses.

A. Certain uses of land, buildings or structures are found to have an adverse effect on implementing the comprehensive plan. Such uses shall be discontinued following the amortization period set out in subsection 6.1.5B below, irrespective of the requirements for nonconforming uses set forth in Sections 6.1.1 through 6.1.4, above.

B. The following uses shall be removed or rendered conforming within the specified amortization period. The amortization period shall commence upon the effective date of this Unified Development Code.

1. Fences, walls and vegetation that constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be rendered conforming or removed within sixty (60) calendar days.

2. All site design standards for fencing, screening and buffering of commercial or industrial uses, as set forth in Chapter 4 of this UDC, shall be met within sixty (60) calendar days.

3. Nonconforming open storage operations, such as truck parking, automobile wrecking, salvage material storage, and similar uses, shall be rendered conforming within sixty (60) calendar days.

6.1.6 Regulation of Specific Nonconforming Structures.

A. Mobile/ Manufactured Homes.

1. All mobile/ manufactures homes located in a mobile home development shall provide documentation of compliance with the National Mobile Home Construction and Safety Act or compliance with specifications presented by the American National Standards Institute. Existing mobile homes within mobile home developments not in compliance with either of these standards shall be deemed nonconforming.

2. An existing, nonconforming mobile/ manufactured home that was lawfully permitted prior to the effective date of this Unified Development Code may be replaced with another mobile home of the same size meeting the requirement set forth in paragraph A.1., above and the requirements of this chapter within 60 calendar days of the date of removal of the existing mobile home.

Chapter 7: BOARDS AND COMMISSIONS

7.1 Generally.

The boards and commissions described in this Chapter 6 are established for the purpose of implementing the provisions of the Unified Development Code. These boards and committees shall have the powers and duties described herein and necessary to achieve this purpose.

7.2 City Planning Commission.

7.2.1 Creation.

The City of Stockbridge Planning Commission (Planning Commission) is hereby established and shall be referred to as the Planning Commission.

7.2.2 Membership.

A. Composition.

1. The Planning Commission shall be composed of six (6) qualified members.
2. Each member shall be appointed by the Mayor and City Council.

B. Term of Office. All members shall be appointed for a term of four (4) years; provided however, that in the initial appointment, three (3) of the members shall be appointed for a term of two (2) years. An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.

C. Removal. Notwithstanding any provision to the contrary, a member may be removed by a majority vote of Mayor and City Council.

D. Qualifications and Compensation.

1. In order to be qualified, all members shall complete training for Planning Commission members and shall receive a certificate of completion from The Atlanta Regional Commission, the Carl Vison Institute, or an agency or organization competent to train appointed planning officials within one (1) year of appointment.
2. Each member shall be compensated in a manner prescribed by the Mayor and City Council.

7.2.3 Quorum.

A. Four (4) members shall constitute a quorum for the transaction of business. All rules, policies and procedures governing the Planning Commission shall be hereinafter governed by this requirement.

B. It shall require the affirmative vote of three (3) members of the Planning Commission to properly carry any motion before the Planning Commission.

7.2.4 Officers.

A. The Planning Commission shall elect one (1) of its appointed members as chair. The chair shall serve for one (1) year or until re-elected or a successor is elected.

B. A second appointed member shall be elected as vice chair and shall serve for one (1) year or until re-elected or a successor is elected.

C. The Planning Commission shall appoint a secretary, who may be an officer or an employee of the governing authority or a member of the Planning Commission.

7.2.5 Meetings.

A. The Planning Commission shall meet on the fourth Thursday of each month at 6:30 pm, or as established by the Planning Commission due to holidays and unforeseen circumstances.

B. Additional meetings may be called according to procedures established by the Planning Commission.

6.2.6 Rules and Operating Procedures.

A. The Planning Commission shall follow any by-laws and rules for the transaction of business adopted by the Mayor and City Council.

B. The Planning Commission shall maintain a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

7.2.7 Duties and Responsibilities.

A. The Planning Commission shall serve as the recommending body for the Mayor and City Council of the City of Stockbridge

7.3 Authority.

7.3.1 Applications Subject to the Planning Commission.

A. The following applications shall be reviewed by the Planning Commission and recommendations provided to the Mayor and City Council.

1. Rezoning of property and amendments to the official zoning map.
2. Amendments to the Unified Development Code.
3. Amendments to the comprehensive plan and associated future land use map.
4. Variances.
5. Conditional uses.
6. Modifications to conditions placed on conditional uses, variances and rezoning's.

Chapter 8 ADMINISTRATIVE PROCEDURES

8.1 Purpose.

This Unified Development Code sets forth procedures for receiving, reviewing, and rendering decisions on applications for subdivisions, multifamily and nonresidential development, mixed use development, planned developments, and similar permits. This Unified Development Code also sets forth the requirements for appealing decisions, and for enforcement. The procedures and requirements set forth in this Unified Development Code shall be followed in seeking approval of any development.

8.2 Approval Required.

A. No person shall conduct any development activity within the jurisdictional boundaries of the City of Stockbridge without first obtaining approval of a subdivision plat, development plan, construction plans, and permits to perform such activities.

B. Permits shall only be issued for development on platted and recorded lots.

   1. No permits shall be issued on lots described only by metes and bounds.

   2. All development activities or site work conducted after approval of a subdivision plat or development plan shall conform to the specifications of the approved plans.

C. Major changes to an approved plan, as defined below, shall require specific approval of an amended plan.

   1. Altering the amount and velocity of stormwater runoff from the site;

   2. Increasing the amount of impervious surface within the development;

   3. Altering the overall density of development;

   4. Substantially increasing the amount of excavation, fill, or removal of vegetation during construction; or

   5. Otherwise altering the overall appearance of the development as proposed as determined by the Director.

D. The following situations are exempt from the requirement to obtain an approved development plan prior to the issuance of required permits:

   1. Repairs to a facility that is part of a previously approved and permitted development.

   2. Accessory structures, provided applicable permits are obtained.

8.2.1 Expiration of Approvals.

A. Development Permits.

1. If construction described in a development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire. However, the permit may be extended for an additional twelve (12) months, upon payment of the permit fee for such extension.

2. If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve (12) months after the date the work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as determined by the Director.

8.2.2 Fees Required.

All fee amounts are determined and adjusted periodically by the mayor and council. All applications shall be accompanied by payment of application fees, as set forth in each department's fee schedule.

8.3 Application Requirements.

8.3.1 Pre-application Conference.

A. The purpose of the pre-application conference is to provide an opportunity for the applicant to consult with City staff for advice and assistance prior to preparation of a preliminary plat, development plan, and other similar applications. This will enable the applicant to become familiar with the approval process, required documents, inspections, infrastructure and improvement standards adopted by the City of Stockbridge and development factors that may affect the proposed development.

B. The intent of this Unified Development Code is that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form. Additionally, failure of a participant to identify any applicable requirement or condition shall not preclude the City from requiring an applicant to comply with such requirement or condition.

C. The applicant shall provide the following information:

1. The City of Stockbridge application for development permit.

2. Proof of ownership.

3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.

4. Applicant campaign disclosure form (for applicant/owner, agent and/or attorney).

5. A property survey conducted no more than five (5) years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within a floodplain, and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia. If the survey is older than five (5) years, the survey must be certified by a surveyor registered in the State of Georgia as to whether changes have or have not been made to the property.
6. A vicinity map indicating the location of the site proposed for development.
7. Proof of payment of fees.
8. Other information as may be required by the Director.

8.3.2 Determination of Completeness.

A. All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

B. The Director shall determine, within five (5) working days of receipt of an application, whether the application is complete.

C. If the Director determines that the application is not complete, the Director shall send notice to the applicant identifying the deficiencies. The applicant shall have thirty (30) calendar days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the thirty-day period, the application shall be deemed withdrawn, and fees shall be forfeited.

D. If the Director determines that the application is complete, the application shall be processed for review and action.

8.3.3 Applications Subject to Administrative Action.

A. The following applications shall be reviewed, and decisions rendered by the Director:

1. Preliminary and final subdivision plats for single-family residential, multiple-family residential, manufactured home developments, and all nonresidential development, pursuant to the requirements for base zoning districts, overlay zoning districts, subdivision plats for conventional subdivisions and conservation subdivision developments.
2. Administrative variances
3. Development plans

4. Applications for minor modifications to zoning conditions and development conditions related solely to dimensional or site design standards required by the Mayor and City Council.

B. Applications for permits pursuant to the building and technical codes shall be reviewed and decisions rendered by the building official, pursuant to the requirements set forth in the applicable building and technical codes.

8.4 Procedural Requirements.

8.4.1 Submittal Requirements for Development Plans.

A. All site development plans, although not building plans, shall conform to the following standards:

1. Drawings, except final plats and as-built plats, may be submitted either on paper or in digital files.

2. All final plats, as-built plats, and drawings submitted in digital format shall comply with the specifications set forth in the adopted Subdivision Ordinance.

3. All drawings shall contain the dates of preparation and any revisions.

4. All drawings shall be at the same scale and shall be a minimum of one (1) inch equals one hundred (100) feet.

5. Drawing sheets shall be no larger than twenty-four (24) inches × thirty-six (36) inches and shall be uniform in size for a submittal.

6. All drawings shall contain a graphic and written scale and a north arrow.

7. All drawings shall contain the name, address, and telephone number of the preparer(s), property owner(s) and developer(s).

8. Drawings for development proposed in phases shall contain all required information for the total site, for each phase, and shall depict phase lines on the drawings.

9. All drawings shall contain the seal and signature of the licensed professional preparing the drawings and computations.

B. Required Support Data and Plans.

1. All development plans shall be accompanied by a stormwater management plan meeting the requirements of Title 15.

3. Whenever a development proposes to disturb the regulatory floodplain, an engineering study shall be provided, in compliance with the requirements set forth in Title 15.

4. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Section 4.7 including the following:

a. Identification of all trees, natural features, and manmade structures that will be retained upon the site;

b. A description of proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.

5. Whenever a development contains protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection in Section 4.3.

6. Whenever a development contains a floodplain or floodway, a floodplain management plan shall be provided, demonstrating compliance with the Title 15, Section 15.9.

7. Applications for new or expanded mines or quarries shall provide information necessary to demonstrate compliance with state and federal laws and regulations.

8. Erosion and sediment control plans shall comply with the requirements of the Subdivision Ordinance and shall contain the following additional information:

a. Name and phone number of a 24-hour local contact responsible for erosion and sedimentation controls.

b. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that "Installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."

c. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.

d. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan shall show options for year-round seeding.

e. Include the statement: "Mulch, temporary vegetation, or permanent vegetation shall be completed on all exposed areas within fourteen (14) calendar days after disturbance ceases."

f. Delineation of disturbed areas within project boundary.

g. Detailed drawings and narrative notes to demonstrate compliance with the erosion and sediment control standards set forth in Title 15 Section 15.5 and the requirements in the current edition of the Manual for Erosion and Sediment Control in Georgia.

h. Maintenance statement: "Erosion and sedimentation control measures shall be maintained at all times. Additional erosion and sedimentation control measures and practices shall be installed if deemed necessary by onsite inspection."

i. Existing and planned contours, with ground slope contour intervals of two (2) feet. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia.

C. Requirements Regarding Permanent Reference Monuments. Materials, size, and location shall conform to the following:

1. Steel pins not less than one-half-inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyors registration number shall be set at all lot corners.

2. Resetting monuments. Any monuments disturbed by construction or grading shall be reset by the applicant and approved by the Director.

8.4.2 Requirements for Development Plans.

A. The applicant shall submit the number of copies of development plans and supporting data and supporting plans as specified by the City.

B. The applicant shall submit two (2) copies of construction improvement plans to the Henry County Water and Sewer Authority (HCWSA).

C. All development plans shall provide the information specified in section 8.1 and the following information:

1. All information needed to demonstrate compliance with the site design and development standards in this Unified Development Code.

2. Depiction of existing uses in adjacent areas.

3. Draft of proposed deed restrictions to be imposed.

4. Zoning district of the property, including any special conditions of zoning imposed by the Mayor and City Council.

5. Deed, record names, and addresses of adjoining property owners or subdivisions, along with zoning of the adjacent parcels.

6. Total area in acres and square feet.

7. Any project to be developed in phases shall provide all information for the total site and for each phase.

8. Topographic contours and vertical intervals of not more than two (2) feet when a new street is proposed.

9. Soil conditions according to U.S. Soil Conservation Service Classifications Manual.

10. Proposed density (both gross and net) and lot layout, consistent with the requirements of the future land use map of the comprehensive plan, including lot and block numbers and/or letters. Layout of all lots shall indicate building setback lines, lot dimensions, and lot area. Lots with detention ponds shall meet minimum zoning area requirements outside the area of the detention pond.

11. For mixed use projects, drawing notes shall include a table summarizing the total amount of development in each use, the percentage of the total site, net density of proposed residential development.
12. Location of existing and platted property lines, location, width, and names of all platted roads, railroads, utility rights-of-way, public areas, existing buildings or structures.
13. Show all existing and proposed easements. Show drainage easements for storm drainage pipes that cross individual lots.
14. Protected open space.
15. Depiction of natural features on the site and adjacent areas, including streams, lakes, other water bodies, wetlands, designated groundwater recharge areas, land subject to a 100-year flood hazard, including contour elevations, and geologic features, and other protected environmental features, as set forth in Title 16 including an outline of wooded areas, vegetation, and surface drainage, together with information on methods for protection of natural features as required in this Unified Development Code. State if elevations are taken from a surveyed stream on a FEMA map or if the elevations are from an independent study (HEC-2, QUICK-2, etc.). Flood elevations on any lots within a 100-year flood hazard area shall be shown. In addition, the foundation elevation that is a minimum of three (3) feet above the established 100-year flood evaluation shall be shown. This data may be shown either on the layout or in tabular form.
16. Wetland areas shall be field located. Notation whether live streams and/or wetlands lie within this subdivision, or unit and phase. Provide a copy of wetlands delineation report from a qualified professional with training and experience in wetland delineation following the guidelines of the latest version of the Army Corps of Engineers Wetlands Delineation Manual.
17. Proposed buffers, landscaping, and tree protection. This shall include the location, size, and type of proposed plant materials.
18. Location of proposed buildings to be used for commercial, industrial, recreational or public facility uses.
19. Details regarding other proposed structures or additions to existing structures, including accessory structures and signs.
20. Layout and names of proposed roads, alleys, public walkways/bikeways (i.e., sidewalks, trails, paths, bicycle facilities), with width of pavement and rights-of-way. Total lineal feet of proposed roads (per phase and total) shall be indicated.
21. Construction plans of streets including typical cross section and grade profiles. Show percent of each grade and length of each vertical curve.
22. Show the centerline stopping distance for all points of access onto public roads and posted speed limits on existing roads.

23. Existing sewers, water mains, drains, culverts and other underground facilities within the tract or within the right-of-way of boundary roads with sizes, grades, and invert elevations from field surveys or other sources. All sizes and data on all utilities shall be provided. Location of proposed public facilities such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or aboveground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel. Sizes, grades and invert elevations from field surveys or other sources, consistent with the requirements of Title 16.
24. Construction plans of sanitary sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.
25. Construction plans of storm drainage systems with pipe sizes, length, grade, location of outlets, runoff and velocity calculations, etc. All storm drainage systems carrying off-site runoff shall be designed for the 100-year storm event. All storm pipes within the City right-of-way shall be approved by the City.
26. Construction plans of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
27. Final contours. Street profiles may suffice in indicating cut and fill volumes; however, in many cases, final contours must be shown on the plans.
28. Any structural practice used shall be explained and illustrated with detail drawings.
29. Show the following notes on all plans:
    a. A twenty (20) feet wide storm sewer and sanitary sewer easement exists along each property line and along each lot line, centered on lot lines, for future drainage and sanitary sewer lines.
    b. All storm drains shall be extended to the rear setback line.
    c. Grade stakes shall be set on all streets prior to any street grading. An as-built subgrade centerline profile shall be submitted and approved by City prior to the installation of curb and gutter or waterlines.
    d. An as-built detention pond detail and revised hydro study shall be submitted to the City prior to the final approval.
    e. All undisturbed buffers shall be field located; staked and flagged or marked with "tenzar" (or similar type fencing); and shall be submitted to the City for approval prior to grading.

D. Applications for development plans within each watershed protection area identified and regulated in Title 15 shall provide the following additional information:

1. The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.

2. The location of each perennial stream that crosses or abuts the site.

3. The location of each public reservoir that abuts the site.

4. The location, elevation and orientation of the 100-year floodplain on the site.

5. A certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development area or outside of the both areas.

6. Location and detailed design of any spill and leak collection systems designed for the purposes of containing accidentally released hazardous or toxic materials.

E. Requirements Regarding Permanent Reference Monuments. Materials, size, and location shall conform to the following:

1. Steel pins not less than one-half-inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyors registration number shall be set at all lot corners.

2. Resetting monuments. Any monuments disturbed by construction or grading shall be reset by the applicant and approved by the Director.

F. Administrative Action.

1. The Director shall make a determination of completeness as set forth in Section 8.3.2.

2. When an application for development plan has been determined to be complete, the application and all accompanying information shall be distributed to all required reviewers.

3. The plan review process shall include a determination of compliance with the regulations of this Unified Development Code by the Director and recommendations for any changes necessary to improve the subdivision.

4. If the development plan is determined to be deficient by the Director or the HCWSA, it shall be returned to the applicant for revisions.

5. A development plan may be approved with conditions. If the development plan is approved with modifications, the conditions shall be indicated on the plat. A copy of the plat with changes indicated shall be returned to the applicant, who shall have the revisions made by the engineer, surveyor, or landscape architect who prepared the plat before the final plat is submitted for approval.

6. A soil erosion and sedimentation control plan, when in compliance with the standards for erosion and sedimentation control as set forth in Title 15 Section 15.5 shall be approved prior to issuance of a building or development permit to begin construction.

8.4.3 Requirements Regarding Improvements.

A. Pre-construction Review and Approval.

1. Prior to grading, the applicant shall arrange a pre-construction conference. The pre-construction meeting shall include a review of the soil erosion and sedimentation control plan, street cross sections and profiles, construction specifications, procedures for inspections and testing, stormwater drainage and detention facilities, and any other matters concerning the development. The applicant shall provide a list of names, telephone numbers, addresses, and business license numbers of all contractors and subcontractors employed on a job. A separate pre-construction meeting is required with the HCWSA prior to any water or sanitary sewer installation.

2. A development permit shall be issued only after the approval of the construction improvements plans and soil erosion and sedimentation control plan. Site grading shall be limited only to those areas clearly defined on the approved plans. Any site grading which is done without an approved soil erosion control plan and development permit is a violation of this Unified Development Code and shall result in enforcement penalties as provided in Title 16. In instances where grading has occurred prior to issuance of a development permit, or when grading has exceeded the area approved according to the approved plans and development permit, the permit fee amount shall be doubled. Any violations of the conditions or limitations imposed by the development permit shall also be subject to penalties provided in Title 16.

8.4.5 Requirements for Permits.

A. Generally.

1. Applications for permits shall be submitted on forms provided by the City.

2. Applications shall be accompanied by payment of fees as required by each department's most recently approved fee schedule.

3. Applications shall be accompanied by plans, drawings, or other documents as required by the City.

4. All permit applications shall be complete prior to processing.

B. Residential Land-Disturbance (Outside of a Watershed Protection Area).

1. Applicants for the residential land-disturbance permit shall provide a proposed site plan, drawn to scale by a registered surveyor or engineer, showing the lot, rights-of-way, easements, buffers, all preserved areas of trees, direction of drainage and proposed placement of the septic system, if any. Such plan shall also show the proposed location of all erosion control devices, setback lines, building size, location of the building on the lot, driveway, and the location of all other structures on the site.

2. A permit shall be issued upon submittal of the application and the required permit fee; however, land-disturbance is not to proceed until an inspector has visited and approved an initial inspection verifying that the application complies with the Unified Development Code.

3. Additional inspections may be made, as necessary at the discretion of the administration, in order to verify compliance with the requirements for erosion control in Title 16: Environmental Protection and tree protection in Title 14.

C. Other Land-Disturbance (Outside of a Watershed Protection Area). Applications for permits for any land-disturbing activity for any development shall meet the general requirements for all applications, shall include an erosion and sedimentation control plan as required in Title 16: Environmental Protection, and the following additional information:

1. In addition to the local permitting fees, fees shall also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided that such fees shall not exceed eighty dollars ($80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land-disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-7 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

2. Approval by the Henry County Soil and Water Conservation District (district). Immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the district for its review and approval or denial concerning the adequacy of the erosion and sedimentation control plan. The district shall approve or deny a plan within thirty-five (35) calendar days of receipt. Failure of the district to act within thirty-five (35) calendar days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the City. Such review shall not be required if the City and the district have entered into an agreement which allows the City to conduct such review and approval of the plan without referring the application and plan to the district.

3. Identification of any violations of previous permits, the requirements of Title 15: Environmental Protection, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration.

4. Proof of irrevocable letter of credit.

5. Proof of payment of all ad valorem taxes levied against the property.

6. No permit shall be issued by the Director unless the erosion and sedimentation control plan has been approved by the district and the Director has affirmatively determined that

the plan complies with the requirements of Title 15: Environmental Protection. If a letter of credit is required, the permit shall not be issued until the requirements regarding the letter of credit have been satisfied.

7. If the permit is denied, the reason for denial shall be furnished to the applicant.

8. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

9. The permit may be suspended, revoked, or modified by the Director, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Unified Development Code. A holder of a permit shall notify any successor in title to the permit holder as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

D. *Permits for Timber Removal.* Applications for permits for timber removal shall follow the requirements of either paragraph 1. or 2., below:

1. A parcel that has been declared silvicultural shall provide the information in paragraphs a. through e. below, along with the permit application form:

   a. A certificate from the tax assessor indicating agricultural preference;

   b. A forest management plan, demonstrating compliance with the erosion control standards set forth in Title 16: Environmental Protection.

   c. A commitment to follow the Georgia Forestry Commission "Best Management Practices;" and

   d. A commitment to reforestation of the site;

   e. Upon approval by the City, a combined timber removal and logging permit shall be issued.

2. Land designated for silvicultural activities may subsequently be developed, provided that a development plan has been prepared and approved by the Director prior to any clearing, grading, clear-cutting, or other land-disturbance. Where a development plan has been approved, a land-disturbance and timber removal permit may be issued by the City of Stockbridge pursuant to procedures for land-disturbance permits in Section 8.4.

Chapter 9: ZONING AMENDMENTS

9.1 Application Requirements.

9.1.1 Pre-application Conference.

A. The purpose of the pre-application conference is to provide an opportunity for the applicant to consult with City staff for advice and assistance prior to preparation of any zoning application. This will enable the applicant to become familiar with the approval process, required documents, the comprehensive plan, and public hearing standards that may affect the proposed development.

B. The intent of this Unified Development Code is that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form. Additionally, failure of a participant to identify any applicable requirement or condition shall not preclude the City from requiring an applicant to comply with such requirement or condition.

9.1.2 Amendment Application.

After the pre-application conference, the applicant shall provide the following information for a map amendment (rezoning) or conditional use permit:

1. The City of Stockbridge application for zoning.
2. Proof of ownership.
3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. Applicant campaign disclosure form (for applicant/owner, agent and/or attorney).
5. A property survey conducted no more than five (5) years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within a floodplain and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia. If the survey is older than five (5) years, the survey must be certified by a surveyor registered in the State of Georgia as to whether changes have or have not been made to the property.

6. A letter of intent stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the rezoning is sought.
7. A vicinity map indicating the location of the site proposed for development.
8. A concept plan containing the information set forth below:
    a. Project name.
    b. Vicinity map showing zoning districts and existing land use within five hundred (500) feet of the boundaries of the site.
    c. Total area in acres and square feet.
    d. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district.
    e. Natural features, including topography at ten-foot intervals, surface drainage, surface waters, floodplains, watershed areas, groundwater recharge areas, general location of wetlands, and the general location of wooded areas.
    f. General location of existing and proposed roads and utility rights-of-way or easements.
    g. Location of existing property lines within the development site.
    h. General location of existing and proposed development by type of use.
    i. Proposed residential density and dwelling unit types, if applicable.
    j. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
9. General plan for the provision of utilities and infrastructure, including the following:
    a. A report or letter from the City or Henry County Water and Sewer Authority indicating the availability of water and sewer and a report or letter from the Henry County Environmental Health Department indicating septic suitability if sewer is not available.
10. Architectural renderings or building plans, as determined by the Community Development Director.
11. Proof of payment of fees.

9.1.3 Determination of Completeness.

A. All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

B. If the Director determines that the application is not complete, the Director shall send notice to the applicant identifying the deficiencies. The applicant shall have thirty (30) calendar days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the thirty-day period, the application shall be deemed withdrawn, and fees shall be forfeited.

C. If the Director determines that the application is complete, the application shall be processed for review and action.

9.2 Procedural Requirements.

9.2.1 Requirements for Amending the Official Zoning Map (Rezoning).

A. Requirements. The official zoning map may be amended by the Mayor and City Council on its own motion, on recommendation from the Planning Commission, or by approval by the Mayor and City Council of an application from a property owner. An adopted zoning resolution shall be an amendment to the official zoning map.

B. Official Application. The Applicant shall submit the rezoning application and associated documents as identified in Section 9.1.2, Amendment Application.

C. Action by the Director.

1. The Director shall make a determination of application completeness.

2. The Director shall prepare a staff report addressing the following issues, in priority:

    a. Consistency with the comprehensive plan.

    b. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Unified Development Code.

    c. Potential positive effects of the amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or the community.

    d. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

    e. The impact upon adjacent property owners shall the request be approved.

    f. The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.

    g. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

h. The merits of the requested change in zoning relative to any other guidelines and policies for development that the Planning Commission and Mayor and City Council may use in furthering the objectives of the comprehensive plan.

i. The capacity of the site to be developed as presently zoned.

D. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

E. Planning Commission Recommendation.

1. The application shall be submitted to the Planning Commission for review at a public hearing.

2. The Planning Commission shall review the application according to the published schedule.

3. The Planning Commission shall submit its report with comments and recommendations according to the published schedule. The recommendations of the Planning Commission shall be submitted to the Mayor and City Council. The recommendations of the Planning Commission shall be of an advisory nature and shall not be binding on the Mayor and City Council.

4. In making its recommendation, the Planning Commission may recommend approval, approval with conditions, or denial. Findings shall be set forth in official minutes of the Planning Commission.

F. Mayor and City Council Action.

1. The Mayor and City Council shall consider the application for rezoning at a public hearing.

2. The Mayor and City Council shall consider the information set forth in the staff report and the findings and recommendations of the Planning Commission.

3. In deciding upon any application for an amendment to the official zoning map, the Mayor and City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Planning Commission, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.

4. The Mayor and City Council may include conditions of zoning which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions:

a. Shall only be valid if they are included in the motion approving the amendment of adoption.
b. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.

c. Shall be required of the property owner and subsequent owners as a condition of their use of the property.
d. Shall be permitted and continuously enforced by the Community Development Director in the same manner as any other provision of this Unified Development Code.

5. Prior to a final vote being taken upon any application for an amendment to the official zoning map for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If such conditions are found to be unacceptable, the applicant may withdraw or request a postponement. Upon such withdrawal, the applicant shall not be permitted to re-file the same zoning map amendment for the same property until twelve (12) months has elapsed from the date of withdrawal.

6. If the zoning decision of the Mayor and City Council is for the rezoning of property and the amendment to accomplish the rezoning is defeated by the Mayor and City Council, then the same property shall not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning by the Mayor and City Council.

9.2.2 Standards Governing the Exercise of Zoning Powers.

A. In ruling upon any application for a zoning map amendment, or any other zoning decision, the mayor and council shall act in the best interest of the health, safety, morals and general welfare of the city. In doing so, they will consider one or more of the following standards of review which are relevant to the application:

1. Whether the proposal is consistent and/or compatible with the city's plans, goals and objectives reflected in the city's comprehensive plan.

2. How the proposal impacts the purposes of the overall zoning scheme, and whether the proposed change furthers the purposes of these zoning regulations. Applications for zoning amendments that do not contain specific site plans carry a rebuttable presumption that the proposed change shall adversely affect the zoning scheme.

3. How the proposal impacts the character of the zoning district, the particular piece of property, neighborhoods, or the community.

4. Whether the proposal creates an isolated district unrelated to adjacent properties and nearby districts.

5. How the proposal impacts the aesthetic character of existing and future uses of the property and the surrounding area.

6. Whether the proposal is consistent with adjacent development densities and the density patterns reflected in the comprehensive plan.

7. How the proposal impacts the public health, safety, and general welfare.

8. How the proposal impacts water, sewerage, other public facilities, or public services, and how the proposed amendment impacts expenditures of public funds.
9. How the proposal impacts traffic safety and congestion.
10. How the proposal impacts environmental conditions, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, water quality and quantity.
11. How the proposal impacts the provision of adequate light and air.
12. How the proposal impacts the value of adjacent property.
13. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations.
14. Preservation of the integrity of residential neighborhoods shall carry greater weight than other factors. Where property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall carry greater weight.

B. After hearing evidence at the zoning hearing, the mayor and council shall apply the evidence to the standards of review in making their decision. The mayor and council are not required to consider every criterion in the standards of review. The applicant carries the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

C. If the mayor and council determine from the evidence presented that the applicant has shown that the proposed zoning map amendment promotes the health, safety, morals or general welfare under the standards of review, then the application shall be granted, subject to those reasonable conditions that may be imposed by the mayor and council. Otherwise, such applications shall be denied.

D. In ruling upon any petition in which the petitioner has brought a challenge to the existing zoning classification, the mayor and council shall follow these general lines of inquiry:

1. The existing uses and zoning of the subject and surrounding property.
2. The extent to which property values may be diminished by the particular zoning restrictions.
3. The extent to which the reduction of property values, if any, promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship, if any, imposed upon the individual property owner.
5. The suitability of subject property for development purposes as presently zoned.
6. The length of time the property, if vacant, has been vacant as zoned, considered in the context of land development in the vicinity of the property.

E. The existing zoning classification shall be presumed to be valid; it shall be the responsibility of the applicant to present evidence to rebut this presumption.

F. If the mayor and council determine, from the evidence presented, that the existing zoning classification is unduly burdensome to the applicant and is not offset by consideration of the public's health, safety, morals and general welfare, and consideration of the integrity of this chapter and of the official zoning map, the mayor and council may impose any appropriate zoning classification, including allowable conditions, which might be consistent with the considerations outlined in subsection (a) of this section.

9.2.2 Revocation.

A. Upon the expiration of eighteen (18) months from the date of approval for an amendment to the Official Zoning Map (rezoning) for which development has been abandoned (abandonment shall be deemed to have occurred when no, or minimal, improvements have been made), the City Council may rezone the property to the previous zoning district or any other zoning classification with proper public notice and action as described by this Unified Development Code.

B. Upon abandonment of a development, the Community Development Director shall contact the property owner of the expiration of eighteen (18) months. Prior to the public hearing, the owner may provide the Director with any documentation for consideration by the City Council. If official documentation is provided, the City Council shall pay reasonable consideration to the following occurrences:

1. Substantial monetary value placed into the development of the land,
2. A delay resulting from court action involving the property in question.
3. Non-availability of utilities or facilities resulting from government inaction, and
4. A delay in development resulting from receiving permitting and proper approval from a Federal of State Agency.

9.2.3 Requirements for Modifications to Approved Zoning Conditions and Approved Master Development Plans.

A. Major modifications to zoning conditions include any changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to the zoning approval as conditions of approval. The following procedure shall be followed:

1. An application shall be submitted containing details of the amendment requested, the situation giving rise to the need for an amendment and accompanied by plans fully describing the nature and extent of the amendment.
2. A staff report shall be prepared to address requirements listed in this section for the amended concept plan and/or zoning conditions.

3. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

4. The Planning Commission shall review the application for an amended concept plan. The Planning Commission shall consider the application for amended conditions placed on conditional uses and/or variances and make a recommendation to Mayor and City Council according to the procedure in Section 9.2.

5. The Mayor and City Council shall consider the application for amended zoning conditions and/or concept plan at a public hearing according to the procedures in Section 9.4.

B. Minor modifications include changes to dimensional design features as depicted on a concept plan. Such dimensional design features as provided on a development plan shall generally conform to the conditions depicted on the concept plan but shall be allowed to vary so long as the Director determines that the development plan is generally consistent with the concept plan conditions. The following information shall be provided:

1. The development plan shall be accompanied by a detailed description of the site design features depicted on the development plan that differ from the concept plan.

2. The description of the modifications shall also include an explanation of the need for the modification.

3. The development plan application will be processed as set forth in Section 8.4.

C. Requests to modify approved development plans may be approved by the Director as set forth below:

1. An application shall be submitted containing details of the amendment requested, the situation giving rise to the need for an amendment and accompanied by plans fully describing the nature and extent of the amendment.

2. Review by the Director shall follow the same procedures and address the same issues as for the original application.

9.2.4 Requirements for Conditional Use Permits.

A. Requirements. An application for a Conditional Use Permit can be submitted by a property owner.

B. Official Application. The Applicant shall submit the rezoning application and associated documents as identified in Section 9.1.2, Amendment Application.

C. Action by the Director.

1. The Director shall make a determination of application completeness.

2. The Director shall prepare a staff report addressing the following issues, in priority:

a. The proposed use shall not cause traffic congestion or conditions that will adversely affect nearby properties.

b. The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.

c. Adequate public facilities are available to serve the proposed use.

d. The applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

e. The conditional use with specific limitations and design features as may have been required will further the aims of the comprehensive plan and will not be unduly detrimental to nearby properties.

D. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

E. Planning Commission Recommendation.

1. The application shall be submitted to the Planning Commission for review at a public meeting.

2. The Planning Commission shall review the application according to the published schedule.

3. The Planning Commission shall submit its report with comments and recommendations according to the published schedule. The recommendations of the Planning Commission shall be submitted to the Mayor and City Council. The recommendations of the Planning Commission shall be of an advisory nature and shall not be binding on the Mayor and City Council.

4. In making its recommendation, the Planning Commission may recommend approval, approval with conditions, or denial. Findings shall be set forth in official minutes of the Planning Commission.

E. Mayor and City Council Action.

1. The Mayor and City Council shall consider the application for conditional use permit at a public hearing.

2. The Mayor and City Council shall consider the information set forth in the staff report and the findings and recommendations of the Planning Commission.

3. In deciding upon any application for a conditional use permit, the Mayor and City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Planning Commission, grant the application subject to

certain conditions necessary to promote and protect the health, safety and general welfare.

4. The Mayor and City Council may include conditions of zoning which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions:

   a. Shall only be valid if they are included in the motion approving the amendment of adoption.
   b. Shall be permanent conditions of approval unless a lesser period of time is specified in the amendment.
   c. Shall be required of the property owner and subsequent owners as a condition of their use of the property.
   d. Shall be permitted and continuously enforced by the Community Development Director in the same manner as any other provision of this Unified Development Code.

. Prior to a final vote being taken upon any application for a conditional use permit for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If such conditions are found to be unacceptable, the applicant may withdraw or request a postponement. Upon such withdrawal, the applicant shall not be permitted to re-file the same zoning map amendment for the same property until one (1) year has elapsed from the date of withdrawal.

7. If the zoning decision of the Mayor and City Council is for a conditional use permit and the application is defeated by the Mayor and City Council, then the same property shall not again be considered fora conditional use permit until the expiration of at least twelve (12) months immediately following the defeat of the conditional use permit by the Mayor and City Council.

9.2.5 Use Permit Considerations.

A. In the interest of the public health, safety and welfare, the city council may exercise limited discretion in evaluating the site proposed for a use which requires a use permit. In exercising such discretion pertaining to the subject use, the city council shall consider each of the following:

   1. Whether the proposed use is consistent with the comprehensive land use plan adopted by the city council;

   2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;

   3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;
5. The location and number of off-street parking spaces;
6. The amount and location of open space;
7. Protective screening;
8. Hours and manner of operation;
9. Outdoor lighting; and
10. Ingress and egress to the property.

B. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

9.2.5 Revocation.

A. Upon the expiration of eighteen (18) months from the date of approval for an amendment to the Official Zoning Map (rezoning) for which development has been abandoned (abandonment shall be deemed to have occurred when no, or minimal, improvements have been made), the City Council may rezone the property to the previous zoning district or any other zoning classification with proper public notice and action as described by this Unified Development Code.

B. Upon abandonment of a development, the Community Development Director shall contact the property owner of the expiration of eighteen (18) months. Prior to the public hearing, the owner may provide the Director with any documentation for consideration by the City Council. If official documentation is provided, the City Council shall pay reasonable consideration to the following occurrences:

    1. Substantial monetary value placed into the development of the land,
    2. A delay resulting from court action involving the property in question.
    3. Non-availability of utilities or facilities resulting from government inaction, and
    4. A delay in development resulting from receiving permitting and proper approval from a Federal of State Agency.

9.2.6 Requirements for Amendments of the Unified Development Code.

This Unified Development Code may be amended by the Mayor and City Council on its own motion. Otherwise, a complete application packet shall be required as described below:

A. An application to amend the text of the Unified Development Code shall be submitted on forms provided by the City.

B. The application shall include the following information:

1. Identification of the specific provision proposed for amendment;
2. The proposed modifications in a strikethrough and underline format;
3. A detailed explanation of the rationale and justification for the requested amendment; and
4. A detailed explanation of the potential impacts of the modification on the development of the City of Stockbridge;

C. The Director shall prepare a staff report analyzing the proposed amendment and recommending approval, denial, or approval with modifications. The staff report shall address the following issues:
1. Consistency of the amendment with the comprehensive plan.
2. Potential impacts on the character and quality of development in the City and any affected zoning districts.
3. Potential impacts on the provision of infrastructure and improvements.
4. The merits of the proposed amendments relative to any guidelines, policies, or programs adopted in furtherance of the comprehensive plan.

D. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

E. The Planning Commission shall consider the proposed amendment to the Unified Development Code at its regularly scheduled public meeting.
1. The Planning Commission shall evaluate the proposed amendment, considering the issues and recommendations contained in the staff report.
2. The Planning Commission shall make a recommendation to the Mayor and City Council for approval, approval with further modifications, or denial.

F. The Mayor and City Council shall consider the proposed amendment at a public hearing conducted as set forth in Section 6.4.
1. The Mayor and City Council shall consider the information set forth in the staff report and the recommendations of the Planning Commission.
2. The Mayor and City Council may approve, approve with modifications, or deny the proposed amendment to the Unified Development Code.

9.2.7 Requirements for Amendment to the Comprehensive Plan.

The comprehensive plan may be amended by the Mayor and City Council on its own motion. Otherwise, a complete application packet shall be required as described below.

A. An application to amend the text or maps of the comprehensive plan shall be submitted on forms provided by the City.

B. The application shall include the following information:

1. Identification of the specific provision proposed for amendment.
2. The proposed modifications in a strikethrough and underline format.
3. A detailed explanation of the rationale and justification for the requested amendment.
4. A detailed explanation of the potential impacts of the modification on the development of the City of Stockbridge.

C. The Director shall prepare a staff report analyzing the proposed amendment and recommending approval, denial, or approval with modifications.

D. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

E. The Planning Commission shall consider the proposed amendment to the comprehensive plan at a public meeting.

1. The Planning Commission shall evaluate the proposed amendment, considering the issues and recommendations contained in the staff report.
2. The Planning Commission shall make a recommendation to the Mayor and City Council for approval, approval with further modifications, or denial.

F. The Mayor and City Council shall consider the proposed amendment at a public hearing conducted as set forth in Section 6.4

1. The Mayor and City Council shall consider the information set forth in the staff report and the recommendations of the Planning Commission.
2. The Mayor and City Council may approve, approve with modifications, or deny the proposed amendment to the comprehensive plan.

9.3 Public Notice Requirements.

9.3.1 Public Notice Required.

A. Notice shall be provided by the City for public meetings and hearings regarding the following actions:

1. Amendment of the official zoning map;
2. Conditional use permits;
3. Amendment of Unified Development Code;
4. Major modification of zoning conditions and/or master development plans; and
5. Variances.

B. Notice shall include the following information:

1. Time of the public meeting or public hearing;
2. Place of the public meeting or public hearing;
3. Purpose of the requested action; and
4. For requests to amend the official zoning map, the notice shall include the current and proposed zoning district.

9.3.2 Legal Advertisements.

A. The public notice shall be published within a newspaper of general circulation within the territorial boundaries of the City of Stockbridge, at least fifteen (15) but not more than forty-five (45) calendar days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing.

B. If a rezoning is initiated by a party other than the City then the notice shall include the present zoning classification of the property, and the proposed zoning classification of the property.

9.3.3 Requirements for Posting Signs.

A. The City shall provide standardized signs for posting to provide public notice of meetings and hearings.

B. The City shall be responsible for posting the sign as follows:
   1. The sign shall be posted in a conspicuous location on the property.
   2. The sign shall be posted not less than fifteen (15) and not more than forty-five (45) calendar days prior to the date of the hearing.
   3. If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street that provides access to the site.

C. The City shall be responsible for timely removal of the sign following the hearing.

9.3.4 Mailed Notice.

Mailed notice shall be provided to all adjacent properties that share a boundary line at least fifteen (15) but not more than forty-five (45) calendar days prior to the date of the hearing for all variances, conditional uses, modifications, and amendments to the official zoning map (rezoning). The Applicant shall mail these notices and provide the Community Development Director proof of mailing a minimum of 7 days prior to the scheduled public hearing.

9.4 Procedures for Conducting Public Hearings

9.4.1 Rules of Procedure.

The following rules of procedure in compliance with O.C.G.A. § 36-66-5 shall govern public hearings before the Planning Commission and the Mayor and City Council:

A. Each person speaking before mayor and council shall identify him or herself by name, address, and state whether the applicant is owner or agent for the owner.

B. Each applicant or other interested party who submits documents at the hearing shall have each document numbered and shall identify each document. Each document submitted shall be made a part of the official record of the hearing.

C. Time Allotted for Testimony:

1. Each applicant shall have ten (10) minutes to present data, evidence, and opinions pertinent to the application. A portion of this time may be saved for rebuttal.

2. Persons in opposition to rezoning of property or amendment to the zoning ordinance shall have a total of ten (10) minutes to address the board. Each person shall provide the development director with his or her name and address.

3. Additional time may be granted equally to the applicant and opponents at the discretion of the mayor or the chair of the Planning Commission.

D. At the conclusion of a hearing by the Planning Commission, the board chair shall announce its recommendation, as required, and instruct the development director to notify the applicant of such decision or recommendation in writing. The notification shall be made a part of the record on the date written notification is given to the applicant.

E. At the conclusion of a hearing by mayor and council, the mayor and council may take the following actions:

1. Approve the application.

2. Approve the application with conditions.

3. Deny the application.

4. Continue or postpone their deliberations for rendering their decision to a date certain.

5. Remand matters to the Planning Commission for additional review and recommendation if the natural of the request has substantially changed.

Mayor and City Council shall announce its decision and instruct the Community Development Director to notify the applicant of the decision in writing. The written notification shall immediately be entered on the minutes and made a part of the record on the date such written notification is given to the applicant.

9.7 Requirements for Developments of Regional Impact.

A. A proposed development that meets or exceeds the thresholds established by the Georgia Department of Community Affairs (DCA), Atlanta Regional Commission (ARC), and Georgia Regional Transportation Authority (GRTA) for a Development of Regional Impact (DRI) shall be reviewed according to the procedures in Chapter 110-12-3, Rules of the Department.

B. When a development meeting the threshold standards established by the DCA, ARC, and GRTA is proposed, the City shall take no action (including actions by the Director, Planning Commission, or Mayor and City Council) concerning the development until the DRI review process is completed.

C. Upon receipt of a request for action related to a project that meets or exceeds the thresholds established for that development category, the City of Stockbridge may request that the applicant submit additional information about the project using forms available from DCA.

D. Upon a determination that the proposed development is not a DRI, the City may process applications concerning procedures set forth in this Unified Development Code.

E. Upon conclusion of the DRI review, the City may continue with review and decision-making procedures as set forth in this Unified Development Code.

   1. The City is encouraged to include the public finding and comments regarding the proposed DRI project in considering actions on the application for project approval.

   2. Where the project received a negative public finding and the City approves the project, the City shall notify the DCA, indicating any conditions that have been placed on the project to mitigate the negative finding.

   3. The Director shall submit applications for DRI review to the DCA.

9.8 Zoning of Annexed Property with Common Zoning Classification.

Property annexed from Henry County into the City shall be automatically zoned by the City through the operation of this section for the same use for which the property was zoned immediately prior to annexation, so long as the City and county zoning ordinances share a common zoning classification for such use. As provided under Official Code of Georgia Annotated Section 36-66-4(e), a zoning action taken pursuant to this section shall exempt the City from the notice and public hearing requirements of the Zoning Procedure Law, Official Code of Georgia Annotated Section 36-66-l et seq., and the zoning amendment procedures under this code. Property which was zoned pursuant to this section may later be rezoned upon compliance with the requirements of the Zoning Procedure Law, Official Code of Georgia Annotated Section 36-66-1 et seq., and the zoning amendment procedures under this code.

Chapter 10 VARIANCES, ADMINISTRATIVE VARIANCE, AND ADMINISTRATIVE APPEALS

10.1 Variances.

10.1.1 Generally.

A. A variance may be granted where owing to special conditions, a literal enforcement of the provisions of this Unified Development Code will in an individual case result in unnecessary hardship.

B. A variance shall observe the spirit of this Unified Development Code, secure public safety and welfare, and deliver substantial justice.

C. The existence of a nonconforming use on adjacent or nearby property shall not constitute a justification for granting a variance.

D. The Planning Commission shall make recommendations to the Mayor and City Council which shall have the authority to render a decision on a variance application pursuant to the public notice and hearing requirements set forth in Chapter 9.

E. A variance may not be granted for a use specifically prohibited by this Unified Development Code. A variance is intended to compensate for a shortfall in a dimension of real property that would prevent the property from complying with a site design standard. Variances may only be granted following a review of an application against criteria established below.

10.1.2 Types of Variances.

A. A request for a variance shall be limited to the following site design standards:

1. Maximum building height;
2. Minimum lot width;
3. Minimum lot area;
4. Required spacing for driveways;
5. Minimum front, side, or rear yard setbacks;
6. Dimensional standards for parking or loading spaces; or
7. Sign as it relates to number, set back, building material, size or sign style. 109.1.3 Criteria to Be Considered for Deciding Variances.

A variance may be granted only upon a finding by the Mayor and City Council that all the following conditions are met:

A. Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due its size, shape, or topography that are not found on other properties in the same zoning district;

B. A literal interpretation of the provisions of this Unified Development Code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

C. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

D. The variance will be consistent with the purposes and intent of this Unified Development Code, will be compatible with uses on neighboring properties, and will serve the public welfare;

E. The extraordinary circumstances are not the result of actions of the applicant;

F. The variance is the minimum relief that will allow the legal use of the land, building or structure; and

G. The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

10.1.4 Requirements for Authorizing a Variance.

A. Requirements. A variance may be initiated by an application from a property owner or on behalf of a property owner

B. Application. Applications shall contain the information set forth below:

1. The City of Stockbridge application for variance.
2. Proof of ownership.
3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. Applicant campaign disclosure form (for applicant/owner, agent and/or attorney).
5. A property survey conducted no more than five (5) years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within a floodplain and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia. If the survey is older than five (5) years, the survey must be certified by a surveyor registered in the State of Georgia as to whether changes have or have not been made to the property.
6. A vicinity map indicating the location of the site proposed for development.
7. Proof of payment of fees.

8. Other information as may be required by the Director.

C. Action by the Director.

1. The Director shall make a determination of application completeness.

2. The Director shall prepare a staff report addressing the request for variance.

D. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

E. Planning Commission Recommendation.

1. The application shall be submitted to the Planning Commission for review at a public hearing.

2. The Planning Commission shall review the application according to the published schedule.

3. The Planning Commission shall submit its report with comments and recommendations according to the published schedule. The recommendations of the Planning Commission shall be submitted to the Mayor and City Council. The recommendations of the Planning Commission shall be of an advisory nature and shall not be binding on the Mayor and City Council.

4. In making its recommendation, the Planning Commission may recommend approval, approval with conditions, or denial. Findings shall be set forth in official minutes of the Planning Commission.

F. Mayor and City Council Action.

1. The Mayor and City Council shall consider the application for variance at a public hearing.

2. The Mayor and City Council shall consider the information set forth in the staff report and the findings and recommendations of the Planning Commission.

10.2 Administrative Variance.

The Director shall have the power to approve a variance from site design and development standards of this Unified Development Code where the intent of this Unified Development Code can be achieved, equal performance obtained, and the administrative variance would not override conditions of zoning assigned by the elected body. The authority to grant a variance shall be limited to the following approvals:

A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:

1. The reduction is necessary due to the existence of any one of the following factors:

a. Geologic conditions;

b. Topography; or

c. Inability of the applicant to adhere to tree protection standards set forth in Chapter 13, Tree Protection.

2. The reduction is limited to a maximum deviation of ten (10) percent from the site design standard.

B. Side yard requirements may be waived by the Community Development Director, where a joint fall-out shelter is proposed, provided that permanent easements are recorded to ensure access to both parties.

C. An waiver from Section 4.8 requiring a dust free parking surface may be issued by the Director provided the parking area consists of a pervious or semi-pervious materials meeting the following standards:

1. There shall be a paved primary lot that serves the parking needs of customers and employees on a regular basis. Unpaved parking spaces may not count toward the parking requirements outlined in Section 4.8 with the exception of spaces dedicated to employees of the business.

2. Materials used for unpaved parking shall be approved by the Henry County Fire Department prior to installation.

3. Unpaved parking areas shall be enclosed by a fence that restricts public access. All gates and locks shall be approved by the Henry County Fire Department prior to installation.

4. The unpaved parking area shall meet the design standards for parking lots, with the exception of paving requirements, and including size of spaces, drive aisles, maneuvering areas and stormwater management.

5. A paved driveway leading to the unpaved parking area that is a minimum of twenty-four (24) feet in length shall be provided.

6. Unpaved parking areas are subject to the landscaping provisions, including the provision that all landscaping be permanently maintained. Surfaces must remain grass and weed free.

10.3 Appeal of Administrative Actions.

A. The Mayor and City Council shall hear and decide appeals where it is alleged by the appellant that there is error in any approval, denial, written interpretation, or decision made by the Director, based on the interpretation or enforcement of the Unified Development Code.

B. Only persons or entities that have legal standing in the challenged action shall be permitted to file an appeal under this code section.

C. Appeals under this code section shall be filed with the Director. The Director shall immediately notify the appropriate department that an appeal application and the requisite fees have been filed and shall immediately forward those documents to the appropriate department head and/or his or her designee for handling. Upon receipt of the appeal documents, the department

head or his/her designee shall be responsible for notifying the City clerk via email that an appeal application has been filed and shall thereafter, be responsible for ensuring that all appeal documentation is provided to the City clerk for inclusion of the matter on a scheduled public meeting to be heard by the Mayor and City Council not later than thirty (30) calendar days from the date of filing. The notifying department shall be responsible for submitting any required legal advertisements and posting the appropriate signs. The Director shall be responsible for notifying all affected parties that an appeal has been filed and the date on which the appeal will be heard by the Mayor and City Council. The Director shall be responsible for providing an executive summary detailing the rationale for the decision in question and shall present the findings and all relevant documents pertaining to the appeal to the City clerk for presentation at the Mayor and City Council meeting in which the appeal will be heard.

Should the Mayor and City Council overturn the decision of staff, the applicant shall have thirty (30) calendar days from the date of the decision to request a refund of no more than seventy-five (75) percent of the appeal fee paid.

D. A scheduled appeal may be temporarily postponed at the request of the appellant or staff; however, the party requesting such postponement shall be responsible for the cost of any legal advertisement fees prior to the matter being rescheduled for a new hearing date.

10.3.1 Applicability.

A. Appeals may be filed by any person aggrieved by any written approval, denial, interpretation, decision or enforcement action of the Director, based on or made in the enforcement of the Unified Development Code.

B. A person shall be considered aggrieved if:

1. Said person or said person's property was the subject of the action appealed from; or

2. Said person has a substantial interest in the action appealed from and is in danger of suffering special damage or injury not common to all property owners similarly situated.

10.3.2 Time for Applications and Hearings.

A. An appeal shall be filed within thirty (30) calendar days following the written approval, denial, or interpretation, of the Director.

B. A hearing before the Mayor and City Council shall be held according to the published schedule.

10.3.3 Application Requirements

An appeal request, along with the advertising and review fee per the approved fee schedule shall be filed with the Director indicating on the application in which the administrative decision originated and include a letter of intent addressing the following:

1. Completed application form, provided by the City;

2. Written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the Planning Commission or the Director;
3. Citation of the section(s) of the Unified Development Code pertaining to the action of the Director; and
4. A statement of the specific relief requested by the party appealing.

10.3.4 Stay of Proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Director certifies to the Mayor and City Council, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in the opinion of the Director, cause imminent peril to life or property. In such case, proceedings shall be stayed only by a restraining order granted by the superior court of Henry County on notice to the Director and on due cause shown.

10.3.5 Action on Appeals.

A. The hearing of the appeal shall be quasi-judicial and shall be conducted at a regular meeting, according to the published schedule, or at a special meeting of the Mayor and City Council.
B. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.
C. Any party may appear at the hearing in person, by an authorized agent, or by an attorney.
D. Following the consideration of all testimony, documentary evidence, and matters of record, the Mayor and City Council shall make a determination on the appeal. An appeal shall be sustained only upon an expressed finding by the Mayor and City Council that the decision by the Director was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers, the Mayor and City Council may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination appealed from, and to that end shall have all the powers of the Director from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

10.4 Appeals of Mayor and City Council Actions.

All appeals of final decisions of the Mayor and City Council shall be as follows:

A. Any person aggrieved by a final decision of the Mayor and City Council may appeal such decision by filing a petition in writing with the Superior Court of Henry County.
B. An appeal shall be filed within thirty (30) calendar days after the disputed final decision is rendered.

10.5 Vested Rights.

The purpose of this section is to provide a method to recognize vested rights and works-in-progress that were authorized prior to the effective date of this Unified Development Code.

A. Any property zoned PD (Planned Development) prior to adoption of this Unified Development Code shall be subject to all development agreements and approved master plans until such time the property is rezoned.

B. Any property that has been rezoned prior to adoption of this Unified Development Code shall meet all prior zoning conditions imposed regardless of any zoning change caused by this Unified Development Code until such time the property is rezoned.

C. Applicant shall be vested in any permit approved prior to adoption of this Unified Development Code until the permit expires.

D. All flag lots platted and recorded prior to adoption of this Unified Development Code shall be considered legal, nonconforming lots of record.

Chapter 11 ENFORCEMENT

11.1 Authority.

The City of Stockbridge and the Department of Community Development (and their designees) is designated to enforce the provisions, regulations, and intent of this Code. All remedies and enforcement shall comply with the powers set forth in all applicable State of Georgia laws.

11.2 Violations.

Complaints made pertaining to this Unified Development Code shall be investigated by the Community Development Director (and their designees). Action may or may not be taken depending on the findings.

11.3 Inspection of Property.

Investigations of property may be done from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection and consent of the owner is obtained.

In the event that entry to the subject property is denied, by the Community Development Director (and their designees) may apply to the Municipal Court to invoke legal, applicable, or special remedy for the inspection of property and enforcement of this Code or any applicable Codes adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

11.4 Responsibility of Violation.

The owner of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be held responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the owner, the owner shall be held responsible in whole or in part as warranted by the findings of the Community Development Director (and their designees).

11.5 Types of Violations.

The following items shall be deemed civil zoning violations, enforceable by the Community Development Director (and their designees). Penalties may be imposed based on the provisions

set forth in this Article.

A. The placement or erection of a primary structure, accessory structure, sign, or any other element determined to not conform to the provisions or explicit intent of the Unified Development Code;
B. The maintenance of a primary structure, accessory structure, sign, or any other element determined to not conform to the provisions or explicit intent of the Unified Development Code;
C. Failure to obtain a Building Permit when required by this Code;
D. Conducting a use or uses that do not comply with the provisions or explicit intent of this Code;
E. Any failure to comply with the development standards and/or any regulations of this Code;
F. Proceeding with work under a Stop-Work-Order or a violation of a memorandum of agreement; and
G. Any failure to comply with commitments or conditions made in connection with a rezoning, conditional use, variance or other similar conditioned commitment made by the City Council.

11.6 Procedure for Violations.

There shall be a three-step procedure for violations of this Unified Development Code. These steps are as follows:

A. The Community Development Director (and their designees) shall issue a Notice of Violation to the person(s) who has committed, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within 15 days of the mailing date or posting of notice. The violator will have the opportunity to respond prior to the imposition of a penalty and further rights as provided in Section 13.8.
B. The Community Development Director (and their designees) shall issue a Notice of Fines and Penalties to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines and Penalties is a citation that states the fines and penalties for the violation. The person(s) in violation will have 15 days to pay said fines and/or comply with the penalties. The person(s) in violation must correct the violation within 15 days or face additional Notices of Fines and Penalties.
C. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after notice has been given, the Department of Community Development and/or City of Stockbridge may pursue court action through the Municipal Court. Fines and liens against the property may also be pursued until the matter is resolved.

11.7 Immediate Public Risk Violations.

Any violation of this Code which presents an immediate risk to the health, safety, or welfare of the public, or to property within the City of Stockbridge may be corrected by the Community Development Director (and their designees), without prior notice to the property owner or other person responsible for the violation.

A. Immediate public risk violations shall include:

1. Signs, structures, landscaping or other materials placed in a pubic right-of-way, easement, or sight visibility triangle in violation of this Unified Development Code.
2. Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public.
3. Any other immediate threat to public welfare as determined by the Community Development Director (and their designees), City Police Department, County Fire Department, and/ or other County Departments.

B. The Community Development Director (and their designees) shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Code, by either placing a notice in a conspicuous place on the property or by letter.
   1. The notice shall be sent to the property owner via certified mail within 24 hours of the seizure.
   2. The notice shall include the following:
      a. A description of the materials seized,
      b. A citation of the sections of the Unified Development Code which were violated and the characteristics of the violation which posed an immediate threat to public welfare,
      c. The address and phone number of the Department of Community Development and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item; and
      d. Instructions describing how, where, and when the seized items may be claimed.

D. The Community Development Director (and their designees) shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a $25 fine and the establishment of a memorandum of agreement between the property owner and Community Development Director (and their designees) regarding the future use of the item in a manner consistent with this Unified Development Code.

E. Neither Community Development Director (and their designees), the Building Inspector, or any other official or entity involved in the seizure shall be liable for any damage to the seized item or the property from which it was taken.

11.8 Fines and Penalties.

The Community Development Director (and their designees) by mandatory injunction in the City Municipal Court against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Code, or the removal of any use or condition in violation of this Code.

A. Monetary fines may be imposed for each civil violation determined upon a single inspection. Fines shall be assessed for each day that the violation is present following the provision of any

Notice of Violation to the property owner or other responsible party.

B. No fine for any single violation shall exceed $1,000.00 per day.

11.9 Appeals or Trials.

A. Any person receiving a notice of Violation and/or Fines and Penalties may appeal the violation and/or fine to the City Municipal Court. A written statement from the person in violation, giving notice of the filing of an action with a court, shall be submitted to the Community Development Director (and their designees) via Certified Mail at least 3 days prior to the date any fine is due.

B. Fines due will be postponed until the court of jurisdiction have made a ruling as to the violation and/or fine. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.

C. No additional notices will be issued by the Community Development Director (and their designees) if the person(s) in violation has (have) submitted an appeal or notice of court review.

11.10 Enforcement, Remedies, or Injunctive Relief.

A. The Community Development Director (and their designees) may bring an action in the City Municipal Court to evoke any legal, equitable, or special remedy, for the enforcement of any Code or regulation, and its subsequent amendments.

Chapter 12 MASTER LIST OF ACRONYMS AND DEFINITIONS

12.1 Acronyms.

Acronyms:

BMP — Best management practices (BMP plan)

BTL — Build-to line

CLOMA — Conditional letter map of amendment

CLOMR — Conditional letter of map revision

CSD — Conservation subdivision development

DBH — Diameter at breast height

DCA — Department of community affairs

DHR — Department of human resources

DNR — Department of natural resources

FAA — Federal Aviation Administration

FCC — Federal Communications Commission

FEMA — Federal Emergency Management Agency

FHBM — Flood hazard boundary map

FIRM — Flood insurance rate map

FIS — Flood insurance study

GSMM — Georgia Stormwater Management Manual

HCWSA — Henry County Water and Sewer Authority

HPB — Historic preservation board

HVAC — Heating, ventilation, and air conditioning

ICWPA — Indian Creek Watershed Protection Area

LBCS — Land based classification standards

LBWPA — Long Branch Creek Watershed Protection Area

MCC – Mayor and City Council

MNGWPD — Metropolitan North Georgia Water Planning District

NGVD — National Geodetic Vertical Datum

NWI — National Wetland Inventory

OCGA — Official Code of Georgia Annotated

PC – Planning Commission

PD — Planned development

RFN — Residential fly-in neighborhood

RNC — Rural neighborhood commercial

ROW — Right-of-way

RPZ — Runway protection zone

RV — Recreational vehicle

WCF — Wireless communication facility

WPA — Watershed protection area

12.2 Definitions.

Definitions:

For the purposes of this Unified Development Code in addition to their common meanings certain words and terms used herein, unless the context otherwise requires, shall be defined and interpreted as follows. The use of the singular includes the plural and the plural the singular; the present tense includes the future; the use of "shall" means the action is mandatory, the use of "may" or "should" means the action is optional. Any masculine pronoun shall be deemed to refer to a person, whether male or female.

To the extent the definition of a term defined herein conflicts with the definition of such term as defined in Merriam-Webster's Dictionary, the definition in the existing Stockbridge Municipal Code shall govern. All terms not defined herein shall be defined within the Merriam-Webster's Dictionary. Terms not found in the Stockbridge Municipal Code shall be defined as in the Official Code of Georgia Annotated.

A

Abandoned cemetery. A cemetery which shows signs of neglect including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

Accessory apartment (garage apartment). See accessory dwelling.

Accessory Dwelling: A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

Accessory Equipment: Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures.

Accessory Structure: A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Administrator: The individual or group responsible for the implementation and enforcement of the Ordinance. The Planning & Community Development Director, or his/ her designee, shall be the administrator for the Zoning Ordinance.

Administrative variance. A grant of relief by the administrator from specified standards of the Unified Development Code and where such a waiver will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship.

Adult day care. A facility that provides support for elderly individuals (and their families, if present), who do not function fully independently, but who do not need twenty-four-hour nursing care.

Addition to an existing building. Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adult entertainment establishment. Any establishment featuring live performances, films, still pictures, electronic reproductions, or video with graphic or other visual images distinguished or characterized by an emphasis on sexual conduct or sexual explicit nudity. Adult entertainment establishments include, but are not limited to, adult bookstores, adult dance establishments, adult motion picture arcades, adult movie theaters, and adult video stores.

Agriculture. Cultivating the soil, producing crops and raising of livestock (farming, and associated activities) upon one (1) or more tracts of land containing not less than three (3) acres. Selling of products raised on the premises shall be considered a permissible activity; provided, that space for the off-county right-of-way parking is available to customers.

Aircraft. Any vehicle used or designed for flight in the air.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

Alleys or alleyways. An alley or alleyway shall mean a private alley located in the rear of residential uses that provides residents with vehicular access to their residences. Alleys shall be maintained by the adjoining property owners, homeowners' associations or condominium/apartment associations. Alleys shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen (18) feet (18') in width and sixteen (16) feet thereof shall be paved with concrete or asphalt. Concrete alleys shall be reinforced and have a minimum depth of six (6) inches with appropriate base. Asphalt alleys shall consist of a minimum of two (2) inches of type "E" or "F" asphalt topping, binder, and six (6) inches of graded aggregate base. Private alleys, at a minimum, shall be constructed to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters are not required. Private alleyways shall not have dead ends but, in limited circumstances and upon specific approval by the City, may have cul-de-sacs

where the alley serves a small number of residences or the topography of the land makes an exit impracticable.

Alteration: A change in size, shape, character, occupancy or use of a building or structure.

Alteration, Structural: Any change in the supporting elements of a building such as bearing walls, columns, beams, or girders.

Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Amenities shall mean the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

Amenity area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas and other active recreational facilities.

Amusement park (outdoor or indoor). Land designed to be used by the public for a fee that contains amusement facilities, such as merry-go-rounds, race car and bike tracks, outdoor motion picture theaters, paint ball courses, driving ranges, miniature golf courses, skateboard rinks, and similar uses for entertainment.

Apartment: One (1) or more rooms in an apartment building, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit for a single family, an individual, or a group of individuals.

Apartment Building: A multi-family housing structure designed and constructed to accommodate three (3) or more dwelling units with independent cooking and bathroom facilities.

Applicant. For the purposes of section 8.04.00, a person submitting a post-development stormwater management application and plan for approval.

Appeal. A request for a formal review of an appointed administrative official's decision regarding provisions of this Unified Development Code.

Approach surface. The area longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

Arcade. A roofed passageway, lane, or area supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery contiguous to a street or plaza that is open provides public access to building entrances, retail space and/or public space and is accessible to the public. An arcade may be especially one with shops on one (1) or both sides or a commercial establishment featuring rows of coin-operated games.

Arch. A structure forming the curved, pointed, or flat upper edge of an open space and supporting the weight above it, as in a bridge or doorway.

As Built Plan: A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones, and tree replacement areas.

Assisted living facility. A state-licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which could include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Athletic field. Open land used for outdoor games such as baseball, football, soccer and other field sports.

Automotive service, major. Repair services to motor vehicles which require substantial replacement and/or repair of major components. Examples of major automotive repair services include, but are not limited to, transmission repairs/replacement, engine overhaul and radiator repair. Any repair services to construction equipment, agricultural equipment, commercial highway tractors, or dump trucks shall be considered major automotive services.

Automotive services, minor. Repair and maintenance services which require only very brief adjustment and replacement of minor components. Examples of minor automotive services include, but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system servicing, muffler replacement and alignment.

Automobile Sales: The use of any building, land area, or other premise for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.dered. An automobile service station is neither a repair nor a body shop.

Automobile service station. A building or premises where products necessary for automobile service or maintenance are sold; provided, there is no storage or dismantling of automobiles and only minor services are ren Automobile Wash: Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self-service, semi-automatic, or automatic application of cleaner, brushes, rinse water, and heat for drying.

Authority. The use of the word "authority" shall mean the Henry County Water and Sewerage Authority or the Clayton County Water Authority.

B

Basement. That portion of a building that is partly or completely below grade where the finished floor level of the floor above the level under construction is:

(1) Six (6) feet or less above the grade plan.

(2) Six (6) feet or less above the finished ground level for more than fifty (50) percent of the total building perimeter.

(3) Twelve (12) feet or less above the finished ground at any point.

Bed and breakfast facility. A private residence that offers sleeping accommodations to lodgers in six (6) or fewer rooms for rent, in the owner or operator's principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast establishment for fewer than thirty (30) consecutive days.

Bedroom. A room that has a closet.

Best management practices. A collection of structural practices and measures written by a state agency or other known authority which, when properly designed, installed and maintained, will prove effective in the areas of erosion and sedimentation control, silviculture, stormwater, etc. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

Best management practices plan (BMP plan). A plan consisting of a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Block. An area of land within a subdivision that is entirely surrounded by streets, public lands, rights-of-way, watercourses, or other well-defined and fixed boundaries. (Blocks are illustrated in figure A.1.)

Boarding and/or rooming house. A building dedicated to and used for the lodging and/or feeding, for compensation, of up to six (6) nontransient persons, unrelated by blood or marriage to the owner or operator of the house, and where renting individuals are also served with meals prepared in one (1) kitchen by the owner or operator of the house, as defined herein. Foster children placed in a family home, a community residential home with six (6) or fewer residents, a nursing home, or a personal care home shall not be established as a boarding and/or rooming house.

Body shop. A building or location where motor vehicle repair and/or replacement are performed, including, but not limited to, painting and metal fabrication of motor vehicles bodies or structures. A body shop is a major automotive service.

Breezeway. A roofed, often open, passageway connecting two (2) buildings or halves of buildings. In residential zoning districts the maximum length of a breezeway that is used to incorporate a new structure as part of the principal building is not to exceed twenty (20) feet and the minimum width is to be four (4) feet. The breezeway is to connect each building at an exterior door.

Buffer. A natural and/or enhanced vegetated landscaped area of a lot located and/or established. A buffer is maintained and created with the intention to visibly separate different and possible incompatible types of uses, measured from the common property line of the different uses, to shield or block noise, light, glare, or other nuisances, or the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat within a water supply watershed adjacent to reservoirs or perennial streams.

- *Natural/Undisturbed Buffer:* Land area in which there is no disturbance including but not limited to removal of understory trees or vegetation, except for maintenance or removal of hazardous and/or invasive trees and plants, or for approved perpendicular access and utility

crossings. Existing vegetation may qualify to be a natural buffer, if sufficient vegetation exists within the required buffer width, the vegetation can be fully protected during construction, and the existing vegetation can be proven to be substantially similar to the required plantings of a new buffer and/or is sufficiently visibly dense to be accepted by the City as equivalent to a planted buffer once mature.

- *Enhanced Natural Buffer:* Land area where an existing natural buffer is found to be inadequate and therefore requires additional vegetative screening. No disturbance is allowed except for maintenance or removal of and/or invasive trees and plants, or for approved perpendicular access, utility crossings and the addition of vegetative screening.
- *Maintained Landscape Buffer*: Land area in which grading is allowed and re-vegetation to a buffer is required specific to a zoning case. Buffer must be replanted but also maintained per approved landscape plan and not allowed to revert to a Natural/Undisturbed Buffer.
- *Stream Buffer (State):* "The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat." The definition of stream buffer is governed by Georgia Law, O.C.G.A. § 12-7-1
- *Stream Buffer (Local):* With respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.
- *Zoning Buffer:* A buffer required by the Zoning Ordinance or as a condition of zoning, special use or variance approval for a specific property.

Buffer strip. Land area located within the boundary of a lot required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

Build-to line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street.

Buildable area. The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

Building. Any structure attached to the ground with a roof, designed and built for support, shelter, storage, or enclosure for occupancy by persons or animals.

(1) *Accessory building.* A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

(2) *Building addition.* Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall.

(3) *Building frontage.* The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

(4) *Building permit.* The permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.

(5) *Elevated building.* A non-basement building constructed with the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(6) *Height of building.* See "building height."

(7) *Principal building.* The building or structure in which the primary use permissible on the lot is conducted. In RR (less than two (2) acres or a platted subdivision), SR, CCR, MFR, and MHR residential zoned districts a dwelling shall be deemed to be the principal building on the lot. A structurally independent garage, carport or other structure may be attached to the principal buildings by a roofed breezeway which shall cause the entire structure to be construed as part of the principal building and shall be subject to the sections applicable to the principal building or structure. A detached and structurally independent carport, garage or other structure shall conform to the requirements of any accessory building.

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

Building height. The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof on a building. When referring to a tower, sign or other structure, the distance measured from ground level to the highest point on the tower, sign or other structure, even if said highest point is an antenna. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Built environment. The elements of the environment that are generally built or made by people as contrasted with natural processes.

Burial ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

C

Caliper. The diameter or thickness of the trunk of a nursery-grown tree as measured at four (4) inches above the top of the root mass.

Canopy roofed structure. A roofed structure that covers an area, or especially one that shelters a passageway between two (2) buildings.

Canopy tree (large tree or shade tree). Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet. Shade trees for landscaping industrial, commercial, office-institutional, multifamily residential and mobile home zoning developments, existing or planted, shall be at least eight (8) feet in height and two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4½) feet above grade for existing trees. Examples include Red Maple, Sycamore, English Oak, Willow Oak, Loblolly Pine, or trees of similar stature.

Capital improvement. An improvement with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element. That portion of the City of Stockbridge Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the Mayor and City Council.

Care home. A care facility where personal care services are provided to more than six (6) nonfamily adults. See "personal care home" definition for permitted services and other requirements.

Carport. Any parking space(s) having a covered roof but not enclosed by walls and is an accessory structure to a dwelling unit. Carports shall not include any parking structures.

Cemetery or *cemeteries.* Any land or structure in The City of Stockbridge dedicated to and used, or intended to be used for interment of the dead. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium or a combination of one (1) or more thereof, and including chapels or churches when operated in conjunction with and within the boundaries of such cemetery.

Certificate of occupancy. A document issued by the Director indicating the use of a particular building or land which conforms to the requirements of this Unified Development Code.

Church or other place of worship. A building used for public worship including temples, synagogues and related Sunday school or church facilities.

Cigar bar/ lounge. is an establishment that caters to patrons who smoke cigars. May serve food and alcohol in accordance with the Alcohol Ordinance.

City: The City of Stockbridge, Georgia.

City street. A street which is owned and/or maintained by the City of Stockbridge.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing / Clear Cutting: The broad removal of all trees and/or vegetation from an area.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) physician or dentist or a group of physicians or dentists practicing medicine.

Club. A building or facilities owned or operated by and for special educational or recreational purposes, but not primarily for a profit or to render a service that is customarily carried on for a gain.

Commencement of construction, for private development. Initiation of physical construction activities as authorized by a development permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Commercial vehicle. A vehicle whose gross vehicle weight rating (GVWR) is over twenty-six thousand (26,000) pounds, or a trailer with a gross vehicle weight rating of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, and earth-moving equipment. Agricultural vehicles and equipment and school buses shall be excluded from this definition.

Common area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common area may include complementary structures and improvements.

Compatibility. The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

Completion of construction. The issuance of the final certificate of occupancy by the appropriate governmental jurisdiction. The date of completion is the date on which such certificate is issued.

Comprehensive plan. The City of Stockbridge Plan or planning elements as adopted or amended in accord with the State of Georgia Minimum Standards and Procedures for Local Comprehensive Planning.

Comprehensive Planning Act. Official Code of Georgia Annotated, § 50-8-1 et seq. and the Minimum Standards and Procedures for Local Comprehensive Planning as adopted by the Georgia Board of Community Affairs.

Condition of Approval: Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.

Conditional use. A use within a certain zoning districts of this chapter which is not permitted as a matter of right, but may be permitted within these districts by Mayor and City Council. A conditional use is permanent in nature.

Condemnation. The taking of private property by a government unit for public use, when the owner will not relinquish it through sale or other means; the owner is compensated by payment of market value. The power to take the property is based on the concept of eminent domain.

Condominium. The ownership in fee simple title of a single unit in a multi-unit structure and an undivided ownership interest, in common with other owners of the common elements of the structure, including the common areas of land and its appurtenances.

Confined animal feeding operation. A building or fenced enclosure designed and used for holding or fattening of animals in preparation for market. It does not include the pasturing of animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: Horses—one (1) per forty-three thousand five hundred sixty (43,560) square feet (one (1) acre); cows—one (1) per forty-three thousand five hundred sixty (43,560) square feet; sheep or goats—one (1) per twenty thousand (20,000) square feet; fowl—twenty (20) per forty-three thousand five hundred sixty (43,560) square feet.

Conical surface. The surface that extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

Conservation easement. An agreement between a land owner and The City of Stockbridge or other government agency or land trust that permanently protects open space or greenspace on the owners land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction. Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

Construction activity. Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Construction Buffer: A type of buffer which is temporary and remains in effect during the construction of a project.

Construction standard drawing. The construction standards manual utilized by the City of Stockbridge and related drawings for public improvements.

Cooking facilities. Any device used in the preparation of food, including range, ovens, cook-top surface units, refrigerators, electric warming irons or hot plates, microwave ovens, coffee makers, toaster ovens, and other similar small electric appliances, freezers separate from or not included within a refrigeration unit are not included in this definition.

Cornice. The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

Corridor. A street, roadway, river or other linear element connecting major sources of trips that may contain a number of streets, highways, and transit route alignments. A corridor is also defined as all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

County. The use of the word "county" shall mean Henry County.

County street. A street which is owned and/or maintained by Henry County.

Covenant, protective. A contract entered into between private parties which constitute a restriction on the use of a particular parcel of property.

Covenant, restrictive. Private contracts entered into between the developer and purchaser(s) which constitute a restriction on the use of all private property within a development for the benefit of property owners, and provide a mutual protection against undesirable aspects of development which would tend to impair stability of values.

Cross access easement. A limited right to make use of a property owned by another to gain access to another property; a right-of-way across the property.

D

Day care facility/center for children, day care center for youth, nursery schools and kindergarten schools; and a day care center for adults. A firm, partnership, corporation, individual, or other business entity providing care for more than six (6) children or adults, not related by blood or marriage, or not the legal wards or foster children of the attendant adult or adults when conducted in a principal structure or within a church or school. Child care centers must provide at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play space is provided for each child. The outdoor play area shall be enclosed by a security chain link fence, at least four (4) feet in height. A state license and a county business license are required.

Density, gross. The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net. The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, common open space, flood hazard areas, steep slopes (greater than twenty-five (25) percent) and public land. For mixed use and interchange activity center zoning districts net density can include open space in the calculation as long as open space is used for passive recreation.

Department: The City of Stockbridge Community Development Department, as established by the City of Stockbridge City Council, and as operated through the actions and administration of the City Manager or his/her designee.

Department of Community Affairs (DCA). The Georgia Department of Community Affairs (DCA) was created in 1977 to serve as an advocate for local governments. DCA operates a host of state and federal grant programs; serves as the state's lead agency in housing finance and development; promulgates building codes to be adopted by local governments; provides comprehensive planning, technical and research assistance to local governments; and serves as the lead agency for the state's solid waste reduction efforts.

Development. Any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

Development activity: Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

Development approval. Written authorization, such as issuance of a building permit, approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Director. The official designated by the Mayor and City Council of the City of Stockbridge as being responsible for issuing construction permits and certificates of occupancy.

Development impact fee. The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Development of regional impact (DRI). A development project, regardless of the mix of land uses, which is likely to have impacts to the transportation network and environment beyond the limits of the jurisdiction in which it is being constructed.

Development or single development. Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, clearing, digging, filling, dredging, excavating, grading, grubbing, mining, paving, removal of vegetation, stripping, drilling operations, storage of equipment or materials, transportation and filling of land, and any other installation of impervious cover; land development or land development project.

(1) *New development.* A land development activity on a previously undeveloped site.

(2) *Post-development.* The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

(3) *Pre-development.* The time period, or the conditions that exist on a site, prior to the commencement of land alteration, clearing, construction, or other activity that constitutes development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Development Permit: A permit that is issued by the City that authorizes development activity, and includes but is not limited to, a land disturbance permit or building permit.

Development Regulations: The adopted regulations providing for the subdivision and development of real property within the City, as amended from time to time by the City City Council.

Development rights. A governmentally recognized entitlement to use or develop land at a certain density, or intensity, or for a particular purpose, which may be severed from the realty and placed on some other property.

(1) *Receiving area.* The region or district where development rights may be affixed to property.

(2) *Receiving property.* The lot or parcel where development rights are affixed, thereby increasing the permissible density or intensity of use on the property.

(3) *Sending area.* The region or district where development rights may be removed for purposes of transfer to another location.

(4) *Sending property.* The lot or parcel where development rights are removed, thereby eliminating permissible uses on the property.

(5) *Transfer of development rights.* The process by which development rights from a sending property are affixed to one (1) or more receiving properties.

Director: The Director of the Department or his/her designee or the person, officer, official, or his authorized representative designated by the Mayor and City Council, City of Stockbridge, as its agent for the administration of the provisions of the Unified Development Code.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage structure. A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

(1) *Roadway drainage structure.* A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Drive-in. A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Drive-in restaurant. Any place or premises used for sale, dispensing or servicing of food, refreshment or beverages in automobiles or other vehicles, including those establishments where customers may consume same on the premises.

Dwelling. A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

(1) *Accessory dwelling.* A dwelling unit established within the principal building or in a separate structure, and on the same lot as the principal structure. It is an independent dwelling unit, but it may share an entrance, yard and parking with the principal unit.

(2) *Duplex* or *two-family.* A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.

(3) *Multifamily.* Three (3) or more dwelling units in one (1) building with the number of families in residence not exceeding the number of dwelling units provided.

(4) *Single-family.* One (1) dwelling unit in one (1) building, other than a mobile home, hotel or motel, designed for and occupied by one (1) family, containing rooms for living, sleeping, toilet facilities and one (1) kitchen.

(5) *Townhouse.* One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by a coincidental property line and party wall partitions. The structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Each dwelling unit must be separately metered for all utilities, have access to a public street and the coincidental property line and wall must be fire-rated and extend from the foundation or ground (whichever is lower) to the roof decking of the structure. Each dwelling unit shall contain rooms for living, sleeping, toilet facilities and one (1) kitchen.

Dwelling unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and a single kitchen with cooking facilities.

E

Easement. A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

(1) *Conservation easement.* An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.

(2) *Drainage easement.* An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Erect. To build, paint, construct, attach, hang, place, suspend, assemble or affix.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan. A plan that is designed to minimize and control the accelerated soil erosion and sedimentation runoff resulting from a land disturbing activity. Also known as the "plan".

Evergreen tree. Any tree that retains green leaves throughout the year. This includes magnolias and tree-type hollies, as well as pines and cedars.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before June 3, 1986.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

F

Facade.

(1) *Primary (front) facade.* The exterior wall surface(s) across the building front, extending from grade to top of the parapet, wall, gable, or eaves and from side corner to side corner that are visible from any location on the street or main parking area and includes the primary entrance into the building. If the building faces more than one (1) parking area or street, the largest exterior wall of the building with a primary entrance which is most nearly parallel to the widest street or largest parking area to which the building faces.

(2) *Secondary facade.* Any exterior wall of a building, other than the primary facade.

Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, fraternity or sorority house.

Farm. A farm includes all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

Feepayor. That person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees required has been expressly transferred or assigned to the successor in interest.

Feedlot. Land devoted to confinement feeding of livestock. A lot or building or combination lots and buildings intended for the confined feeding, breeding, raising or holding of livestock while being fattened for slaughter and where animal waste may accumulate, but not including barns, pens or similar structures not intended for the fattening of animals for slaughter.

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade. See grade.

Final Plat: The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for Clayton County.

Firing range. A public or privately owned facility designed and operated for the purpose of discharge of rifles, shotguns and handguns at targets within a controlled setting.

Flag lot. See "lot" definition.

Flood (or *flooding).* A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Flood hazard area. The area possibly threatened by periodic flooding as determined by various data, e.g., maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a one-hundred-year return frequency.

Flood hazard boundary map or *FHBM.* An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map or *FIRM.* The official map of The City of Stockbridge, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Such FIRM as relates to property located within The City of Stockbridge is incorporated by this reference as if fully set forth herein.

Flood insurance study or *FIS.* The official report, prepared and issued by the Federal Insurance Administration of the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood, which FIS is incorporated by this reference as if fully set forth herein.

Floodplain. Any land area susceptible to flooding with at least a one-percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Floodplain, 100-Year: Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

Floodway or r*egulatory floodway.* The channel of a stream, river or other watercourse and the adjacent land areas of the floodplain which is necessary to contain and discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of the outside walls, but excluding any attic, unfinished basement area, breezeway, cellar, porch, or verandah.

Frontage or *road frontage.* The distance measured along a public street right-of-way, or the main street property line of a lot.

G

Garage, parking. A structure, lot or any portion thereof which is open to the public in which one (1) or more vehicles are housed or kept, not including exhibition, show rooms, storage of cars or cars for sale.

Garage, repair. A building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

Grade. The lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

(1) *Finished grade.* The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

(2) *Highest adjacent grade.* The highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

Grade (roadway). The slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a two-percent grade represents two (2) feet of elevation change over a one hundred-foot distance.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Grubbing: The removal of stumps or roots from a site.

Greenspace (or *open space).* Any area protected as permanently vegetated land.

Ground coverage. The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Group home. A residence where two (2) or more unrelated persons live that is under the supervision of a resident manager. Group homes are established to assist persons who have left highly structured institutions such as a hospital or prison, to adjust to and reenter society and live within its accepted norms. The purpose of a group home is to allow people to begin the process of reintegration with society, while still providing monitoring and support. Group homes shall not provide treatment of drug or alcohol dependency, or provide an alternative to incarceration.

H

Hardship. The presence of some unique or rare condition of land, different in type and extent from other land in the same location or in the same zoning district.

Hazardous material. Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous waste. Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 as hereafter amended and any designated hazardous waste. Also any substance defined as "hazardous

waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Health and personal services. Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Height. The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof on a building. When referring to a tower, sign or other structure, the distance measured from ground level to the highest point on the tower, sign or other structure, even if said highest point is an antenna. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Heliport. A designated area for landing and takeoff of rotorcraft.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic district. A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A historic district shall further mean an area designated by the Mayor and City Council as a historic district pursuant to the criteria established in section Chapter 8.37 of this Unified Development Code.

Historic structure. Any structure that meets one (1) or more of the following conditions:

(1) Listed individually in the National Register of Historical Places (as maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible under the state historic preservation program which has been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible under the local historic preservation program which has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in the event the state has no approved program.

Home occupation. An occupation for gain or support conducted on the premises or within a dwelling unit by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

Hookah. An oriental tobacco pipe with a long, flexible tube which draws the smoke through water contained in a bowl.

Hookah Bar/Lounge. An establishment where patrons share shisha (flavored tobacco) from a communal hookah or from one placed at each table or a bar. May serve food and alcohol, See Title 9.

Hospice care facility. Hospice care provides humane and compassionate care for people in the last phases of incurable disease so that they may live as fully and comfortably as possible. Hospice is to enable patients to continue an alert, pain-free life and to manage other symptoms so that their last days may be spent with dignity and quality, surrounded by their loved ones. Hospice affirms life and does not hasten or postpone death. Hospice care treats the person rather than the disease; it focuses on quality rather than length of life. It provides family-centered care; care is provided for the patient and family twenty-four (24) hours a day, seven (7) days a week. Hospice care can be given in the patient's home, a hospital, nursing home, or private hospice facility.

Hospital. An institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of mental patients, alcoholics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Hotel. A building in which lodging, generally without in-room cooking facilities, is provided for guests. The term "hotel" includes the terms "motel", "extended stay" hotel or motel and "tourist court".

I

Impervious surface (or impervious cover). Any manmade paved, hardened or structural surface composed of any material that significantly impedes or prevents the natural infiltration of water or stormwater into the ground below the structure or surface into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, swimming pools and any concrete or asphalt surface.

Improvements. Physical changes to the land which are necessary to create useable lots including (but not limited to) grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and stormwater drainage and detention systems.

Indoor play space. Play space required inside the principal structure of child care centers set aside for children's recreation and play. The area provided must be at least thirty-five (35) square feet of indoor play space for each child.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrialized building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation

site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Georgia Law 1981 pp 1637—1643 (O.C.G.A., § 8-2-2(1)).

Inert construction waste. Waste building materials and other waste resulting from the construction, remodeling or repair of houses, buildings and other structures which will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes all waste not specifically listed above.

Infill. Development of vacant or remnant lands passed over by previous development in the area.

Infrastructure. Manmade structures and systems which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Inoperable vehicle. Any motorized vehicle incapable of immediately being driven.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Institutional use. Activities for civic, cultural, educational, social, or governmental purposes.

Interparcel connection. A vehicular and pedestrian road, street or lane connecting segment and or sidewalk access for public use to gain access to adjacent residential subdivisions, commercial, industrial and mixed use subdivisions and establishments where access to contiguous properties would otherwise require vehicle trips on frontage roads for access.

Interior landscape area. An area to be landscaped which is located in the interior area of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.

J

Junk/salvage yard. Any use on public streets or private property involving the parking, storage or disassembly of vehicles and/or machinery; the storage, sale or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and other old household appliances; used brick, wood, or other building/structural materials, used paper, rags or other scrap materials. These uses shall be considered junk yards whether or not all or part of these operations are conducted inside a building or in conjunction with, or accessory to other uses of the premises.

Junked vehicle. Any wrecked inoperable, dismantled automobile, truck or other vehicle which does not bear a current state license plate.

K

Kennel. The following shall constitute a kennel:

(1) *Commercial kennel:* Any location which provides boarding and care for dogs, cats, or other small animals for pecuniary gain.

(2) *Noncommercial kennel:* Any single-family residence in the RA zoning district where no more than ten (10) adult dogs and/or cats are kept as pets for the noncommercial purpose of hunting, exhibition in shows, field trials or breeding. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

Kindergarten. A state-approved institution for the education of pre-school aged children.

Kitchen. A room or interior area equipped for preparing and cooking food.

L

Land development. See development.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development project. A discrete land development undertaking.

Land disturbance. Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting, and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

Land Disturbance Permit (LDP): Any permit other than a Building Permit issued by City of Stockbridge that authorizes clearing or grading activities on a site or portion of a site. Said permit may be Clearing, Clearing and Grubbing, Grading, or Development Permit as defined and authorized under the Development Regulations of the City of Stockbridge.

Landscape plan. A detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval when required by the Unified Development Code.

Landscape Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Litter. Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead

animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such terms defined on O.C.G.A., § 16-7-51(6).

Live-work unit means a dwelling unit containing an office use of the lesser of six hundred (600) square feet in floor area or forty (40) percent of the unit's total floor area. Office uses shall be adjacent to sidewalk area; and shall be the place of employment for no more than five (5) persons, at least one (1) of whom shall be a resident thereof. A live-work unit is considered a mixed-use building. Live-work units are permitted in residential and commercial areas, according to the framework plan.

Loading space, off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lodge. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues-paying members and their guests. There are no sleeping facilities.

Lot. A portion or parcel of land separated from other portions or parcels by description, such as on a subdivision plat, survey map, or metes and bounds.

(1) *Corner lot.* A lot abutting two (2) or more streets at their intersection, or bounded on two (2) or more adjacent sides by street right-of-way lines.

(2) *Double frontage lot (through lot).A lot, other than a corner lot, that has frontage upon two (2) or more streets that do not intersect at a point abutting the property.*

(3) *Flag lot.* A lot with uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure.

(4) *Interior.* A lot other than a corner lot or a through lot.

Lot depth. The average horizontal distance between the front and rear lot lines. (Lot definitions are illustrated in figure A.1.) [not available]

Lot line (property line). The property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

Lot width. The horizontal distance between the side lot lines measured along the street right-of-way lines.

Lot of record. An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of Henry County, Georgia, or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of Henry County.

Lowest floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Unified Development Code.

M

Manufactured home. A structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Manufactured homes are built or fabricated in an offsite facility on or after June 15, 1976 and installed or assembled on the home site. They must meet U.S. Department of Housing and Urban Development (HUD) construction requirements. Manufactured homes may be single- or multi-section and are transported to the site and installed with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Master development plan. A written and graphic submission for a mixed-use development which represents a tract of land, proposed subdivision, the location and bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the MU zoning district.

Mini-warehouse. A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mixed use (development). A development project that incorporates two (2) or more different types of land uses or activities, such as residential, commercial, office, and/or industrial. A mixed-use development has the different types of land uses in proximity, vertically or horizontally, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mobile food services, portable restaurants, temporary outdoor and sales, and sidewalk sales. Any temporary business selling goods or merchandise from a tent, truck, vending cart or other areas outside of a permanent structure on property owned or leased by the business. Temporary outdoor sales do not include sales conducted by charitable organizations incidental to the principal or permitted use or structure on the property.

Mobile home. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities

and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. Documentation of compliance with the National Mobile Home Construction and Safety Standard Act (United States Department of Housing and Urban Development certification) shall be required.

Mobile home park. A parcel of land that has been planned and improved for the placement of mobile homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of mobile homes on such premises. A mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

Motel. An establishment where lodging without separate cooking facilities are provided to the public for compensation, in which ingress or egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby. Includes a building or group of buildings intended for short-term use by transients or the travelers, and containing sleeping accommodations with sanitary facilities. Other synonymous terms include hotel, tourist court, motor court, motor inn, or motor lodge.

(1) *Extended stay motel or hotel.* A motel providing sleeping accommodations, sanitary facilities, and kitchen facilities, intended for overnight or weekly use.

Move in house or structure. Pre-existing dwelling or structure relocated to another lot or on the same lot.

N

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural area. An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

Natural vegetated area. An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include, but are not limited to: Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife; outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting; education, scientific research and nature trails; maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized; and limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Net acreage. The total acreage of any parcel or combined parcels of land to be developed as a single project, less the sum of the following: total number of acres contained in the 100-year flood hazard area, total number of acres contained in rights-of-way and the total number of acres contained in detention or retention ponds to be constructed.

Nonconformity or *nonconforming use.* A land use activity, building or structure legally established prior to adoption of this Unified Development Code, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section.

Nursery school, kindergarten schools. See day care definition.

Nursing home. A use in which domiciliary care is provided to one (1) or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

O

Open space. Permanently protected areas that are preserved in a natural state and. undisturbed land or otherwise properties set aside for recreational uses, buffers, common areas, landscape areas, as well as other uses defined under the "open space categories" described below. Buffers and wetlands, if located on lots to be conveyed to private property owners, shall not be considered as "open space." Land contained within the 100-year flood zone shall not be considered as "open space" if located on lots that are to be conveyed to private property owners. Land designated as "open space" is divided into five (5) categories (the "open space categories" or, singularly, an "open space category"):

(1) *Category A.* Wetland stream buffers; 100-year flood hazard areas, undisturbed buffers between various land uses, roadside buffers, wildlife sanctuaries, and other forms of buffers, if owned by the developer or a property owners association;

(2) *Category B.* Improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;

(3) *Category C.* Improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;

(4) *Category D.* State waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and

(5) *Category E.* Land donated to a governmental entity for public use, provided such land is not located in a wetland or 100-year flood zone.

Outdoor play area. An area outside the principal structure designed and set aside for recreation and play in the open air and sunshine and may contain some play equipment. See child care center definition.

Outside storage. The placement or containment of goods, materials, or equipment other than within a building, for purposes of keeping such goods, materials, or equipment for processing, use, sale, or transfer to other locations.

Overhang. The edge of a roof that projects out over the space or wall beneath.

Overlay zoning district or *overlay district.* A defined geographic area that encompasses one (1) or more underlying zoning districts and that superimposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or containing only parts of one (1) or more such districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district where that use is expanded or enlarged after the adoption of this Unified Development Code.

Owner. The legal or beneficial owner of a site including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

P

Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Parking space, off-street. An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, design standards for which are contained in the Unified Development Code.

Patio cover. An attached structure with open, screened or glazed walls which is used only for recreational, outdoor living purposes associated with the dwelling unit and not as carports, garages, storage rooms or habitable rooms.

Pavement width. The cross section width of a paved road measured from edges of pavement.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks, or similar material. Crushed gravel, stone, rock, dirt, sand, or grass are not permitted as a paved surface.

Perennial stream. Any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) 7-minute Topographic Series Maps (1:24,000).

Perimeter landscape area. An area to be landscaped which is located between the buffer area required by the Unified Development Code and the interior landscape area, as defined in the Unified Development Code.

Permit. The authorization, issued by The City of Stockbridge to the applicant that is necessary to conduct the activity that was applied for and approved.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Personal care home. A personal care home is a single home where personal care services are provided to no more than six (6) nonfamily adults. Personal care services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. A care home cannot provide nursing or other medical services or admit and retain residents who need continuous medical or nursing care (see O.C.G.A. § 31-7-12 for state requirements for personal care homes). The term "personal care home" does

not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

Pervious Surface: means those areas which do not prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to or after development.

Pet. A tame animal kept for companionship or pleasure. In all residential zoning districts the maximum number of pets allowed per residence is four (4).

Planned unit development. Development which has both residential and nonresidential land uses according to a master development plan, with related covenants and restrictions. Developments within a PUD project may have flexibility in the application of development standards when approved according to a master development plan, and to promote the conservation of natural resources, more efficient use of land, and, efficiency in the extension of streets and utilities.

Pocket park. A pocket park is a park for active or passive recreational uses consisting of no less than one-quarter (¼) of a net useable acre (or fourteen thousand two hundred fifty (14,250) square feet. Pocket parks may be consolidated provided that the development contains no fewer than one-half (½) the number required and that any consolidated pocket park does not exceed one (1) net useable acre (or forty-three thousand five hundred sixty square feet (43,560 sq ft)) nor contain less than one-half (½) a net useable acre (or twenty-one thousand seven hundred eighty square feet (21,780 sq ft)). The purpose of pocket parks is to provide open space for recreational use within walking distance of most residences especially those located farthest from amenity areas. Therefore, where required, pocket parks shall be scattered throughout the development but more greatly concentrated in those parts of the development which are the greatest walking distance from an amenity area.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter or any kind.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Portico or *porch.* A covered entrance to a large building or a covered walkway, often leading to the main entrance of a building that consists of a roof supported by pillars.

Post-development. Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development. Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Primary surface. An area longitudinally centered on a runway extending two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal building. The building or structure containing or to contain the principal use of a lot.

Principal permitted use. That use of a lot which is among the uses allowed as a matter of right under the zoning classifications. (Also see WCF principal or accessory use.)

Private deed restrictions or covenants. Private deed restrictions or covenants imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent owners. They are enforceable only by the land owners involved and not by the county or other public agency.

Project. A single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements. Site specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by The City of Stockbridge, Georgia, shall be considered a project improvement.

Property line. See lot line.

Property owner. That person or entity that holds legal title to property.

Proportionate share. That portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Protection area or *stream protection area.* With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Public or private property. The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Public facilities or *public spaces* means:

(1) Parks, open space, and recreation areas and related facilities; and

(2) Public safety facilities, including police, inmate housing, fire, animal control, emergency medical, and rescue facilities;

(3) Libraries and related facilities; and

(4) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of state or federal highways.

Public streets. Right-of-way dedicated to the county or owned by the county for public street purpose.

Public utility. Firm, corporation, or local government authorities providing gas, electriCity, communications service, and similar essential services.

Public water facilities. Mains and service lines owned and operated by the City of Stockbridge, the Henry County Water and Sewage Authority, or when approved by the Mayor and City Council, a private water system operating under the direct supervision of the DNR.

Q

Qualified personnel. Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

R

Regulatory flood (regulatory flood elevation). The flood standard equal to or higher than the base flood.

Residence. A home, abode, or place where an individual is actually living on a non-temporary basis.

Right-of-way. Access over or across a particularly described property for a specific purpose. A strip of land intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, storm sewer, drainage structure, sewer line, or other similar use.

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a

roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

S

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Self-service storage facility. A fully enclosed facility containing independent bays and/or self contained units which are leased to or owned by individuals exclusively for dead storage of goods or personal property.

Setback. The horizontal distance between a building or building line and a property line or a buffer line in which a structure cannot be erected or, with respect to a stream, the area established by the Unified Development Code extending beyond any buffer applicable to the stream. (Setbacks are illustrated in figure A.2.)

Shrub: A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

Sidewalk area means an area improved for walking along an existing street, primary grid, or secondary grid that begins at the street curb, or edge of pavement if no curb exists, and consists of a contiguous and continuous landscape zone and pedestrian zone.

a. "Sidewalk landscape zone" means the paved or unpaved portion of the sidewalk area adjacent to the street and reserved for trees, groundcover, and street furniture including, waste receptacles, traffic signs, newspaper boxes, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

b. "Sidewalk pedestrian zone" means the paved portion of the sidewalk area reserved for pedestrian passage and unobstructed by any permanent objects to a height of eight (8) feet above the paved surface. The pedestrian zone shall be adjacent to the landscape zone and shall have a consistent cross-slope not exceeding two (2) percent.

Sign. Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing different elements that are organized, related, and composed to form a unit shall be considered to be one (1) sign. Where different elements are displayed in a random manner without an organized relationship to each other, or where there is reasonable doubt as to the relationship of different elements to each other, each element shall be considered to be a single separate sign.

Small Box Discount Store. A retail store (a) with floor area less than twelve thousand (12,000) square feet (b) that primarily offers for sale a combination and variety of convenience shopping goods and

consumer shopping goods; and (c) continuously offers and advertises a majority of the items in their inventory for sale at a price less than ten dollars ($10.00) per item. Small box discount store shall not include the following: drug stores or a convenience stores attached to or collocated with gas stations.

Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For purposes of the City of Stockbridge zoning code, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

SES as used in the City of Stockbridge zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stockbridge zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted. The Footprint of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint. Ground Mounted SESs shall be delineated by size as follows:

Small Scale Ground Mounted Solar Energy System (Small Scale SES) means a Ground Mounted SES with a Footprint of less than two [2] acres.

Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Henry County Soil and Water Conservation District.

Solid waste management facilities. Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating, or disposal of garbage, sewage, rubbish, offal, oil field wastes, hazardous waste, or other waste material originating on or off the premises.

Special event. A gathering or event for which the promoter or other person, firm, or corporation holding or producing the event must obtain a permit.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stable, private. A stable with a capacity of not more that four (4) horses, mules or other draught animals.

Stable, public. A stable other than a private stable with a capacity of more than four (4) horses, mules or other draught animals.

Start of construction. The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days after the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except any project involving less than one (1) acre of disturbed area and as may be defined in O.C.G.A. § 12-7-17(7).

Street. The land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures, and other areas within the right-of-way lines. (Types of streets are illustrated in figure A.3.)

(1) *Alley.* A strip of land providing vehicular and pedestrian access to the rear of properties which abut and are served by a public street.

(2) *Boulevard.* A street developed with two (2) one-way pavements separated by a landscaped median.

(3) *Collector street.* A public street whose function is to collect traffic from local streets and neighborhoods and connects to another public street of equal or greater classification. A collector may also provide direct access to adjacent properties.

(4) *Cul-de-sac.* A dead-end local street, of limited length, opened at one (1) end and closed at the other by a permanent turnaround.

(5) *Dead-end street.* A local street open at one (1) end and closed at the other.

(6) *Expressway.* The expressway system includes high volume limited access thoroughfares through the county and region beyond.

(7) *Frontage road.* A street which is parallel to, and adjacent to major thoroughfare and which provides access to abutting properties and protection from through traffic.

(8) *Local street.* A public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.

(9) *Major arterial.* A public street whose primary function is to connect two (2) highways of equal or greater classification or capacity, provide primary access to a large land area, provide access to a large traffic generator, or connect two (2) or more towns or communities. The secondary function is to provide local access.

(10) *Minor arterial.* A public street that serves an intermediate function between collectors and major arterials, and also serves as a traffic feeder to major arterials and for cross-country and regional travel.

(11) *Stub street.* A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

Structure. Anything constructed or erected with a fixed location principally above or on the ground or attached to something having a fixed location on the ground including a walled and roofed building, manufactured home, or gas or liquid storage tank.

(1) *Structure, principal.* The building or structure in which the primary use permissible on the lot is conducted.

(2) *Structure, accessory* or *accessory use.* A building subordinate to the principal building or use on a lot and used for purposes incidental to the principal building or use and located on the same lot therewith. An accessory structure shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

Subdivision. The division of a parcel or tract of land into more than one (1) or more lots or building sites for the purpose, whether immediately or in the future, of sale, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building means:

(1) The appraised value of the structure prior to the start of the initial repair or improvement; or

(2) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Director, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

T

Timber Harvesting: The felling, loading, and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

Tree. Any living, self-supporting, woody perennial plant which has a trunk DBH of one and one-half (1½) inches and which normally attains a height of at least twelve (12) feet at maturity, usually with one (1) main stem or trunk and many branches.

Tree diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh).

Tower (support structure). Any structure designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy tower, or monopole towers. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, PCS service towers, cellular telephone towers, alternative tower structures, and the like.

(1) *Monopole tower.* A cylindrical self-supporting communications tower constructed as a single spire.

(2) *Stealth tower/facility.* Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles and structures designed to resemble natural features such as trees and rock outcroppings.

Townhouse, fee simple. See dwelling.

Tractor Trailer Drop Lot. Property used solely for the temporary placement of tractor trailers where no structure is located on the premises.

Tractor Trailer Storage. Property used for the long term-controlled storage of tractor trailers which include permanent office or security facilities.

Trailer (motor home). A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than for wheels or jacks.

Trailer (travel). A nonmotorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Traffic impact study. A traffic impact study (TIS) is an important tool in the overall development planning process (residential, commercial, industrial, institutional, etc.). It provides information which identifies impacts of proposed developments on the existing, short range and long range roadway/circulation networks. It also identifies mitigation measures for the impacts identified. Traffic impact studies shall be conducted by a qualified professional.

U

Understory tree (also medium or small tree). A class of trees and large shrubs that do not attain the height of a canopy or shade tree, yet are large enough at maturity to provide shade for people, as well as many of the benefits of larger shade trees. Examples include Dogwood, Red Bud, Crabapple, Crepe Myrtle, Wax Myrtle, Ornamental Cherry, Hawthorne, and tree-type type hollies.

Undisturbed buffer. A buffer, either impervious or vegetated, in which no encroachment of buildings or structures is permitted.

Unit of development. The standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Use. The purpose or activity for which land or buildings are designed, arranged, intended, or occupied and maintained or leased.

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

V

Variance. A grant of relief from the site design requirements of the Unified Development Code related to dimensional standards for lots, building placement, building height, and parking spaces.

Vehicle, abandoned. A vehicle which does not bear a current state license plate, unless said vehicle is stored within a completely enclosed building or it is stored on a bona fide sales lot and is in satisfactory operating condition.

Vehicle use area. Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management or development regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

W

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wireless communications. Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services, including cellular, digital communications (DCS), personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio and television communications, and similar services that currently exist or that may in the future be developed.

Wireless telecommunications facility. A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, new and existing antenna support structures, replacement antenna support structures, collocations on existing antenna support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities.

Wrecker service. The recovering or removing wrecked, junked, abandoned, disabled or repossessed vehicles by a person, vehicle, or piece of equipment employed, especially a truck with a hoist and towing apparatus. Vehicle storage areas are only allowed with an approved conditional use. Dismantling of stored vehicles for resale purposes shall be prohibited.

X

Y

Yard. A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses, vegetation, and fences

(1) *Front yard.* That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot

line. The front yard of a corner lot shall include the yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

(2) *Rear yard.* That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot. The rear yard of a corner lot shall not include the yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed.

(3) *Side yard.* The area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Z

Zero lot line. The location of building on a lot in such a manner that one (1) or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one (1) side of their lot.

Zoning district. The use classification of parcels of land as generally defined under this Unified Development Code.

Zoning Map: A map of the City of Stockbridge, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

Zoning Ordinances: An ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein." O.C.G.A. § 36-66-3.

TITLE 13: TREE PROTECTION

13.1 Statement of Purpose.

A. The purpose of these standards is to facilitate the preservation, planting and/or replacement of trees and to prevent the indiscriminate removal of trees in the City without denying the reasonable use and enjoyment of real property as a part of land development in the City.

B. The City of Stockbridge City Council hereby finds that the preservation of existing trees is a public purpose that protects the public health, safety, general welfare, and aesthetics of Stockbridge and all its citizens.

C. Stockbridge citizens enjoy many benefits that can be directly attributed to our trees.

1. Trees produce oxygen, which is essential to the well-being of all animal life, including humans.
2. Trees help to reduce the amounts of airborne pollutants.
3. Trees and their foliage intercept dust and particulate matter, thereby helping to purify the air.
4. Trees and their root systems reduce soil erosion and storm water runoff. This decreases sedimentation problems and improves water quality.
5. Trees provide food and shelter for wildlife.
6. Trees provide screening, which in turns aids in the reduction of noise and glare.
7. Trees help moderate our air temperature to provide us with a comfortable environment.
8. Trees provide scenic amenities to soften the harshness of City buildings and streets. They are aesthetically pleasing to all that view them.
9. Trees may affect property values and can have a positive impact upon the economy of an area.
10. Trees enhance the natural functions of streams and related buffers.

D. The purpose of these standards is to provide standards for the preservation of trees as part of the land development process.

E. The purpose of these standards is to prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.

F. The purpose of these standards is to protect trees during construction to enhance the quality of life in the City.

G. The purpose of these standards is to protect trees in construction of public facilities and utilities.

13.2 General Applicability.

A. The terms and provisions of the tree protection ordinance shall apply to all real property in the City of Stockbridge City limits except as otherwise provided in this Section.

B. The terms and provisions of the tree protection ordinance shall further apply to any residential or non-residential development which requires the issuance of a land disturbance permit, development permit, or building permit, except as otherwise provided in this section.

C. The terms and provisions of the tree protection ordinance shall also apply to development on any City owned property, including property owned by City agencies, boards, and authorities, except as otherwise provided in this section.

13.3 Exemptions.

A. The following shall be exempt from the provisions of this ordinance:

1. The removal of five (5) or fewer trees, other than specimen trees, on any single-family residential property, within a single calendar year.

2. The removal of more than five (5) trees, other than specimen trees, from an owner-occupied, single-family lot may be approved by the Director if the owner must remove trees to build a newly permitted structure, or to build an addition to or make improvements to an existing structure where the tree is a physical detriment to the structure, or to improve the health of other trees in the landscape.

3. Zonings conditioned to a specific site plan prior to adoption of the tree protection ordinance, provided that said zoning contains specific conditions for both tree preservation and tree replacement.

4. The removal of trees found to be diseased, or insect infested by the county extension service, the state forestry commission, a certified arborist, or urban forester.

5. Grandfathered projects:

    a. This tree protection ordinance shall not apply to any portion of a property included within the limits of a valid and complete application for a land disturbance permit or preliminary plat approval where said application has proceeded through and completed first round red line review by the community Development Director or to commercial site plans that have been reviewed and red lined by the Community Development Department and which were received by the Director or his/her

designee prior the adoption of this ordinance, provided that all time constraints relating to the permit issued shall be observed.

6. The removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include tree harvesting.
7. The removal of any Dead, Dying, or Hazardous (DDH) tree which has become, or threatens to become, a danger to human life or property. The owner/developer, prior to removal of the DDH tree(s), shall provide a report from a professional arborist to the Director prior to tree removal. This report shall identify the conditions of the tree(s) that necessitate removal. However, in the case of immediate danger to life and property the tree may be taken down and an inspection requested to verify the condition of the tree.
8. The removal of trees for agricultural activities on land zoned Rural Residential.
9. The necessary removal of trees by a utility company within dedicated utility easements provided alternative methods to trenching are used when possible including boring and tunneling.
10. The removal of trees for building permits that do not require or authorize land disturbance.
11. The removal of trees on public rights-of-way 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 right-of-way.

13.4 Definitions.

Buffer: Land area used to visibly separate one parcel or land-use from another through screening and physical distance to shield or block noise, light, glare, visual or other conditions, and to minimize physical passage to dissimilar uses. Buffers also protect the water resources of Georgia when adjacent to streams. Buffer widths vary depending upon the zoning district and the adjacent zoning district and conditions of zoning. Specific types of buffers include:

1. **Natural/Undisturbed Buffer**: Land area in which there is no disturbance including but not limited to removal of understory trees or vegetation, except for maintenance or removal of hazardous and/or invasive trees and plants, or for approved perpendicular access and utility crossings. Existing vegetation may qualify to be a natural buffer, if sufficient vegetation exists within the required buffer width, the vegetation can be fully protected during construction, and the existing vegetation can be proven to be substantially similar to the required plantings of a new buffer and/or is sufficiently visibly dense to be accepted by the City as equivalent to a planted buffer once mature.
2. **Enhanced Natural Buffer**: Land area where an existing natural buffer is found to be inadequate and therefore requires additional vegetative screening. No disturbance is allowed except for maintenance or removal of and/or invasive trees and plants, or for approved perpendicular access, utility crossings and the addition of vegetative screening.

3. **Maintained Landscape Buffer**: Land area in which grading is allowed and re-vegetation to a buffer is required specific to a zoning case. Buffer must be replanted but also maintained per approved landscape plan and not allowed to revert to a Natural/Undisturbed Buffer.
4. **Stream Buffer (State)**: "The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat." The definition of stream buffer is governed by Georgia Law, O.C.G.A. § 12-7-3(2).
5. **Stream Buffer (Local)**: With respect to a stream, a natural or enhanced vegetated area, lying adjacent to the stream.
6. Structural Buffer. A buffer that creates a visual screen through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.
7. **Zoning Buffer:** A buffer required by the Zoning Ordinance or as a condition of zoning, special use or variance approval for a specific property.

Caliper. A standard of trunk measurement for understory or replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4-inch caliper and 12 inches above the ground for trees larger than 4-inch caliper.

Canopy Tree: Means a tree that when mature commonly reaches a height greater than 40 feet.

City: The City of Stockbridge, Georgia.

Clearing / Clear Cutting: The broad removal of all trees and/or vegetation from an area, whether by cutting or other means.

Construction Buffer: A type of buffer which is temporary and remains in effect during the construction of a project.

Critical Root Zone: The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient Critical Root Zone (CRZ) and will typically be an area represented by a circle centered on the tree's trunk with a radius equal to 1 foot per 1 inch of trunk diameter at breast height (DBH). Example, a 12 inch diameter tree at breast height (12" DBH) would have a 12 foot radius circle (24 foot diameter circle) which represents the Critical Root Zone (CRZ).

Dead, Dying, or Hazardous Tree (DDH): A tree that has structural defects in the roots, stem, or branches that may cause the tree or a part of the tree to fail, where such failure may cause property damage or personal injury. Tree Defects: Tree defects can be of two kinds: Injury or disease that seriously weakens the stems, roots, or branches of trees, predisposing them to fail or structural problems arising from poor tree architecture. Tree hazards include dead or dying trees, dead parts of live trees, or unstable live trees due to structural defects or other factors that are within striking distance of people or property.

Deciduous Tree: A tree that drops foliage at one season of the year, generally in autumn.

Department: The City of Stockbridge Community Development Department, as established by the City of Stockbridge City Council, and as operated through the actions and administration of the Director or his/her designee.

Development Activity: Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development permit.

Development Permit: A permit that is issued by the City that authorizes development activity, and includes but is not limited to, a land disturbance permit or building permit.

Development Regulations: The adopted regulations providing for the subdivision and development of real property within the City, as amended from time to time by the City Council.

Diameter at Breast Height (DBH): The diameter of a tree is to be measured by one of the following methods:

1. For Existing Trees: The standard measure for existing trees on site is Diameter at Breast Height (DBH). The tree trunk diameter is measured at a height of four and one half (4½) feet above ground level on the uphill side of the tree. If a tree splits into multiple trunks below four and one half (4½) feet, measure each trunk individually for total DBH. Crepe Myrtles are excluded from this total DBH requirement. Simply the largest diameter trunk shall qualify for Crepe Myrtles.
2. For Newly Planted Trees: The standard measure for newly planted trees will be the caliper of the trunk six (6) inches above the ground level.

Director: The Director of the Community Development Department or his/her designee.

Dripline: A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground, i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Floodplain, 100-Year: Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

Evergreen: A plant that maintains foliage throughout the entire year.

Grading: The placement, removal, or movement of earth by use of mechanical equipment on a property.

Grubbing: The removal of stumps or roots from a site.

Impervious Surface: Means those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

Invasive Plant: A plant that is both non-native and able to establish on many sites, grow quickly, and spread to the point of disrupting plant communities or ecosystems. A Landscape Architect or Certified Arborist shall be required to identify invasive species.

Land Disturbance Permit (LDP): Any permit other than a Building Permit issued by City of Stockbridge that authorizes clearing or grading activities on a site or portion of a site. Said permit may be Clearing, Clearing

and Grubbing, Grading, or Development Permit as defined and authorized under the Development Regulations of the City of Stockbridge.

Landscape Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Native Plant: A plant that is a part of the balance of nature that has developed over hundreds or thousands of years in a particular region or ecosystem. Note: The word native should always be used with a geographic qualifier (that is, native to the Southeast [for example]). Only plants found in this country before European settlement are considered to be native to the United States.

Pervious Surface: Means those areas which do not prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to or after development.

Saved Tree: A tree in which the critical root zone has not been disturbed by more than twenty-five (25) percent.

Screening: A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Shrub: A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

Significant tree: Means any existing, healthy, living tree eight (8) inches DBH or greater in size.

Specimen Tree: Any tree which has been determined by a registered landscape architect or the Director to be of high value because of type, size, age, and/ or of historical significance, or other professional criteria, and has been so designated in administrative standards established by the City. This is usually a plant with desirable form, foliage, fruit, or flower that can be emphasized although isolated

Timber Harvesting: The felling, loading, and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

Tree: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than 3 inches at any point and a height of over 12 feet.

Tree Density Unit (TDU): A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this Ordinance.

Tree Density Standard (TDS): The minimum number of Tree Density Units per acre which must be achieved on a property after development.

Tree Planting List: The recommended species of replacement trees listed in Appendix “A” of this ordinance.

Tree Protection Area: Any portion of a site wherein are located existing trees which are proposed to be preserved to comply with the requirements of this article.

Tree Removal: The physical act of cutting down and removing a tree from a site.

Tree Replacement/Protection Plan: A plan that identifies tree protection areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Thinning: Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way, shall be construed as clear cutting.

Understory tree: Means a tree that, when mature, reaches a height between 12 and 35 feet.

13.5 Procedures.

A. Application requirements.

1. *Pre-application conference.* Prior to submission of an application for development, the applicant is required to meet with the Director or his/her designee to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree protection ordinance and review applicable standards and guidelines for the submittal of documents and required tree protection, replacement, and maintenance measures.

2. *Tree survey.* Except as provided elsewhere in this section, a tree survey prepared and sealed by a registered surveyor or certified engineer, arborist or landscape architect, shall be required as part of any application for a land disturbance permit, development permit, building permit or preliminary subdivision plat. All trees eight (8) inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species, and location with an indication whether they are to be retained or removed. Trees larger than two (2) inches (DBH) may be identified and counted for unit credit on the tree protection plan. All specimen trees and all trees that are to be counted toward meeting density requirements must be shown on the survey and inventoried by size (caliper or DBH, whichever is applicable) and species. All tree protection zones and tree save areas must be delineated on the plan. All buffers with existing trees must be delineated on plans as tree save areas. With the prior approval of the Director or his/her designee, sampling methods may be used to determine tree densities for forested areas.

B. Tree protection plan. A tree protection plan shall be submitted with other permit drawings as part of the development permits process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:

1. Definition of spatial limits:

b. Limits of land disturbance, clearing, grading, and trenching;

c. Tree save areas;

d. Specimen trees; and

e. Areas of revegetation.

2. Detailed drawings of tree protection measures and their location:

   a. Location, species, and size (DBH) of existing significant trees and an indication of which significant trees would remain on the site.

   b. Tree fences;

   c. Erosion control fences;

   d. Tree protection signs;

   e. Tree wells;

   f. Aeration systems;

   g. Transplanting specifications;

   h. Staking specifications; and

   i. Other applicable drawings as determined by the Director or his/her designee.

3. The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lines. The applicant shall coordinate the location of these utility lines with the utility companies to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.

4. Procedures and schedules for the implementation, installation, and maintenance of tree protection measures.

5. Calculations of tree density proposed on site per 14.6 tree preservation and replacement requirements.

6. Tree protection inspection. Following the receipt of a complete application, the Director or his/her designee shall schedule and conduct an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.

7. Following inspection said plans shall be reviewed by the Director or his/her designee for conformance with applicable zoning conditions, the tree protection ordinance, and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.

8. No development or building permit shall be issued until the tree protection plan has been approved by the Director or his/her designee.

9. All tree protection measures shall be installed prior to land disturbance.

C. Final inspection. No certificate of occupancy shall be issued by the Director or his/her designee with respect to any permit subject to this section unless and until the Director or his/her designee shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this section.

D. Issuance of a building or land development permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.

13.6 Tree Preservation and Replacement Requirements.

The following tree preservation and replacement requirements are hereby established:

A. If Significant trees exist on a tract of land for which a permit subject to this section is sought, either one hundred twenty (120) inches (DBH) per acre or twenty-five (25) percent of existing Significant trees per acre of such Significant trees, whichever is less, shall be preserved on the site. Trees and tree save areas counting toward this requirement on sites zoned OI, C-1, C-2, C-3 LI or HI may be located in stream buffers and state buffer zones, transitional buffer zones and designated floodplains.

If the Director or his/her designee determines that special constraints of a site result in an inability to build or develop without removing Significant trees on a site, where there are only one hundred twenty (120) inches (DBH) per acre or less of existing Significant trees, the Director or his/her designee may permit the removal of one or more Significant trees. Trees removed pursuant to this section must be replaced with trees totaling one (1.0) times the diameter inches of those inches removed.

B. There shall be at least two (2) two-inch (DBH) over story trees in every front yard of properties zoned RR and SR. There shall be at least one (1) two-inch (DBH) over story tree in every front yard of properties zoned CCR and MFR.

C. The applicant shall landscape the areas with trees and other plant materials in accordance with the following standards:

1. Residential developments: All residential subdivisions shall have an average density of fifteen (15) density units per acre. Required trees may be located on individual lots or in subdivisions in which there is commonly owned property may be located on such commonly owned property.

2. Non-residential and multifamily developments: The quantity of total existing/replacement trees on site must be sufficient to produce a total site density factor of no less than thirty (30) density units per acre.

D. Procedures for calculating the required tree density are provided in Charts 1, 2 and 3 of this Section. Tree unit values are assigned as follows:

CHART 1.

Conversion From Diameter To Density Factor Units For Existing Deciduous Trees To Remain On Site

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2
16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

CHART 2.

Conversion from Diameter to Density Factor Units for Evergreens and Conifers

DBH	
2 to 9	.2 less unit than deciduous trees
10 to 15	.1 less unit than deciduous trees
All others	Same as deciduous trees

CHART 3.

Conversion from Caliper Diameter to Density Factor Units for Deciduous Replacement Trees.

Caliper inches	Units
0.0 to 0.9	Not allowed
1.0 to 1.9 no replants under 2 caliper inches	Not allowed
2.0 to 2.9	.4
3.0 to 3.9	.5
4.0 to 4.9	.7
5.0 to 5.9	.8
6.0 to 6.9	1.0
7.0 to 7.9	1.1
8.0 to 8.9	1.2
9.0 to 9.9	1.3
10.0 to 10.9	1.5
11.0 to 11.9	1.6
12 inches or greater	2.0

Container-grown pine trees are given replacement value as follows:

Size	Units
7-gallon	.05

The use of one- and three-gallon pines will be permitted only with prior approval. There will be no replacement value given for such trees.

E. Nothing in these regulations shall be construed to allow the removal of any tree or vegetation in a required stream buffer, transitional buffer zone or state buffer zone except buffer improvements as authorized by the Director.

F. Tree relocation and credit for existing trees replacement units will be granted to trees relocated on site. Tree relocation is subject to approval of the City arborist or designee. Existing trees between two (2) caliper inches and seven and nine-tenths (7.9) caliper inches may be used for credit on the tree replacement plan.

G. Understory vegetation. Tree preservation areas shall leave intact the naturally occurring groundcover and understory vegetation except where directed otherwise by the Director or his/her designee in order to allow the removal of undesirable groundcover or understory vegetation.

H. Specimen trees.

1. Specimen trees shall be identified by the Director, or his/her designee, and shall be located on the tree protection plan.

2. Standards for the identification, preservation, and protection of specimen trees shall be as follows: Any tree in fair or better condition which equals or exceeds the following diameter sizes:

    a. Large hardwoods, i.e. oaks, hickories, tulip poplars, and similar species: Thirty (30) inches DBH.

    b. Large softwoods, i.e. pines, evergreens, and similar species: Thirty (30) inches DBH.

    c. Small trees, i.e. dogwoods, redbuds, sourwoods, and similar species: Ten (10) inches DBH.

3. A tree in fair or better condition should meet the following minimum standards:

    a. A life expectancy of greater than fifteen (15) years.

    b. A relatively sound and solid trunk with no extensive decay or hollow, and less than twenty (20) percent radial trunk dieback.

    c. No major insect or pathological problem.

4. A lesser-sized tree can be considered a specimen if:

a. It is a rare or unusual species or of historical significance.

b. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

c. It is a tree with exceptional aesthetic quality.

5. The Director or his/her designee may identify and require the preservation of a tree stand if it contains one (1) or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.

6. Any specimen tree removed from a parcel shall be replaced by one and five-tenths (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements of section 13.6 tree preservation and replacement requirements, using species with potentials for comparable size and quality at maturity.

I. Protection of trees during construction.

1. Trees identified to be preserved and counted as credit for meeting required unit density shall have four (4) feet tall orange tree protection fencing installed 6 feet beyond the perimeter of the critical root zones.

2. No person engaged in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six (6) feet of the area outside the critical root zone as defined herein, or any existing significant tree within a tree save area, transitional buffer zone, stream buffer, or state buffer zone.

3. All tree protection devices must remain in functioning condition until completion of the project or until the certificate of occupancy is issued.

4. Any tree, designated in the plan to be saved, which is negligently damaged during construction or as a result of negligent construction, as determined by the Director or his/her designee, shall be treated according to accepted National Arborists Association standards. If fatally damaged, trees shall be replaced with four-inch caliper trees equal to the unit value of the tree removed. However, any specimen tree negligently damaged as described above shall be replaced with four-inch caliper trees equal to one and five-tenths (1.5) times the equivalent inches (DBH) of the tree removed or damaged.

J. Removal of trees from floodplain not permitted. Trees shall not be cut or removed from the floodplain, except as follows:

1. Those trees found to be diseased or insect infested by the county extension service, the Georgia Forestry Commission, a certified arborist, or a certified forester. The owner/developer, prior to removal of the diseased or infested tree(s), shall provide a

report from a professional arborist to Director prior to tree removal. This report shall identify the conditions of the tree(s) that necessitate removal.

2. As necessary for construction, repair or maintenance of public roads, utilities or stormwater management facilities.
3. As part of an approved wetland mitigation plan.

13.7 Tree Replacement Standards.

A. The tree protection plan shall include planting schedules with proposed tree names (botanical and common), quantity, size, spacing, and any special planting notes. Trees used for credit on the tree replacement plan must be chosen from the preferred list attached hereto as Appendix A to this section. At least fifty (50) percent of replacement trees must be overstory trees; no more than twenty-five (25) percent may be of any single species, and no more than twenty-five (25) percent may be evergreen species.

B. Unless otherwise approved by the Director or his/her designee, trees selected for replanting must meet the minimum standards as provided in the American Standard for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list found in Appendix A to this section. Trees selected must be free of injury, pests, disease, nutritional disorders, or root defects, and must be in good vigor to assure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication.

C. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. When practical, the replanted trees shall be of the same or similar species as those removed.

D. Replacement trees shall be planted in manner that provides adequate space for nourishment, light, and maturation as recommended by the Director or his/her designee.

E. Planting and staking details shall be specified in the required tree protection plan.

13.8 Timber Harvesting.

Selective timber harvesting may be permitted upon authorization by the Director or his/her designee. Permits authorizing tree harvesting shall be in accordance with the following standards:

A. A seventy-five)75) feet wide undisturbed buffer shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.

B. Notwithstanding the other provisions of this section, no property owner shall be required to preserve an undisturbed buffer that covers more than twenty-five (25) percent of the total land area of the property, excluding area inside the one-hundred-year floodplain. In any such case, an alternative buffer width shall be provided, as determined by the Director pursuant to its review of the application for a tree harvesting permit.

C. The property shall be required to meet a tree density standard of thirty (30) units per acre, not including the seventy-five-foot buffer, upon completion of authorized land disturbing activities.

D. The owner/applicant shall utilize the recommended best management practices as established by the Georgia Forestry Commission.

E. Once timber harvesting takes place in conformity with the above regulations, no development of the property shall be permitted that would require the cutting of trees preserved under 14.2 General Applicability and 14.6 Tree Preservation and Replacement for a period of five (5) years following authorization of tree harvesting.

13.9 Compliance.

13.9.1 Warranty or Maintenance Surety

Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this tree protection ordinance, and following acceptance by the Community Development Department in accordance with the issuance of a land disturbance permit, development permit, or building permit, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one year.

13.9.1 Inspection

A. The Community Development Department shall perform an inspection of the plantings and landscape materials required by this Code prior to expiration of the one-year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this Code or conditions of zoning, special use or variance approval.
B. Required landscape material found to be dead or near death shall be replaced prior to release by the Community Development Department of the warranty of maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the Community Development Department.

13.9.1 Performance Surety

A. Compliance Prior to Certificate of Occupancy or Final Plat Approval.
In the event that new trees proposed to be planted to achieve the tree density standard as set forth and contained herein, or other trees or landscape material required to be planted as set forth in Section 4.6 Buffer Regulations and/ or Section 4.7 Landscape Regulations, are not installed upon application for a Certificate of Occupancy or Final Plat approval as appropriate to the project, then a Performance Bond or other acceptable surety in an amount equal to 110% of the value of new trees or landscape material and their installation shall be posted with the Community Development Department in accordance with the performance bonding requirements and provisions of the Procedures and Permits Section of this UDC.
B. Compliance upon Permit Completion or Expiration.

Properties where a permit is issued to conduct land disturbing activities that do not require the issuance of a Certificate of Occupancy or the approval of a Final Plat, or said activities as authorized are completed or the permit expires, shall comply with the tree density standard of this Section as follows:

1. Clearing, Clearing and Grubbing, or Grading only Permits.
   Replacement trees proposed to be planted to achieve the tree density standard of this Section which is not planted upon completion or prior to expiration of a Clearing, Clearing and Grubbing, or Grading Permit, shall be planted within 30 days of the completion or expiration of said permit unless a Performance Bond is posted with the Community Development Department.
2. Development Permits.
   Replacement trees proposed to be planted to achieve the tree density standard of this Section which is not planted upon completion or prior to expiration of a land disturbance permit, development permit, or building permit, shall be planted within 30 days of the completion or expiration of said permit unless a Performance Bond is posted with the Community Development Department.

13.9.1 Continuing Maintenance

A. The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this Section.
B. The Community Development Department is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.
C. Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this Section.
D. Replacement trees and landscaping shall be in accordance with the applicable provisions of this Section.

13.10 Enforcement.

It shall be the duty of the Director or his/her designee to enforce this tree protection ordinance. The Director or his/her designee shall have the authority to revoke, suspend or void any Clearing, Clearing and Grubbing, Grading, land disturbance permit, development permit or building permit or to withhold issuance of a Certificate of Occupancy, and shall have the authority to suspend all work on a site or portion thereof in order to effect compliance with this section.

A. Violation and penalty. Any person violating provisions of this Article shall be guilty of violating this duly adopted Article of the City, and upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed $1,000, or confinement in the City jail not to exceed 60 days, or both. Each day of non-compliance shall constitute a separate offense. The Court shall have the power and authority to place any person found guilty of a violation of this Article on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution

or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent, who may have assisted in the commission of any such violation, shall each be guilty of a separate offense. Each tree removed, damaged or killed in violation of this section shall be considered a separate offense.

B. Any trees eight (8) inches (DBH) and over which have been removed in violation of this section shall be replaced by the violator with four-inch caliper replacement trees equal to the unit value of the trees removed. However, any specimen tree removed from a parcel shall be replaced with four-inch caliper trees one and five-tenths (1.5) times the equivalent inches (DBH) of replacement trees or existing trees in excess of the requirements in section 14.6 - Tree Preservation and Replacement Requirements, using species with potentials for comparable size and quality at maturity.

C. Appeals: The City Council shall have the power and duty to hear and decide appeals where it is alleged by an aggrieved party that there is error in any final order, requirement, or decision made by the Director or his/her designee based on or made in the enforcement of the tree protection ordinance. All such appeals shall be heard and decided following the notice requirements, criteria, and procedural requirements in Title 12: Zoning, Chapter 10 Variances, Administrative Variances, and Administrative Appeals.

13.11 Appendix A.

Appendix A is not definitive. These trees are simply provided as acceptable, without question. Other, non-invasive trees without known disease or growth concerns will also be accepted for planting. Invasive species, species susceptible to blight, disease, or devastating infestation, or that have known growth habit and/or structural conditions that limit the life expectancy or create hazards with age, will not be accepted.

City of Stockbridge Overstory Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer rubrum	Red Maple	October Glory, Red Sunset	Deciduous
Betula nigra	Riverbirch	Duraheat	Deciduous
Carpinus betuals	European Hornbeam		Deciduous
Carya aquatica	Water Hickory	Availability	Deciduous
Carya cordiformis	Bittemut Hickory	Availability	Deciduous
Carya glabra	Pignut Hickory	Availability	Deciduous
Carya illinoensis	Pecan		Deciduous
Carya tomentosa	Mockernut Hickory	Availability	Deciduous
Cedrus atlantica	Atlas Cedar		Evergreen
Cedrus libani	Cedar of Lebanon		Evergreen
Cedrus deodara	Deodar Cedar		Evergreen
Cryptomeria japonica	Japanese Cryptomeria		Evergreen
Fagus grandifolia	American Beech		Deciduous
Fraxinus tomentosa	Pumpkin Ash		Deciduous
Gingko biloba	Gingko	Plant male only. Autumn Bold, Fairmont	Deciduous
Ilex opaca	American Holly		Evergreen
Juniperus virginiana	Red Cedar	Brodie	Evergreen
Liquidambar styraciflua	Sweetgum	Limited Use- Rotundiloba (Avail.)	Deciduous
Liriodendron tulipifera	Tulip Poplar	Limited Use	Deciduous
Magnolia acuminata	Cucumbertree		Deciduous
Magnolia grandiflora	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
Magnolia virginiana	Sweetbay Magnolia		Deciduous
Metasequoia glyptostroboides	Dawn Redwood	Limited Use	Deciduous
Nyssa sylvatica	Black Gum		Deciduous
Pinus echinata	Shortleaf Pine		Evergreen
Pinus taeda	Loblolly Pine		Evergreen
Platanus occidentalis	Sycamore		Deciduous
Quercus acutissima	Sawtooth Oak		Deciduous
Quercus alba	White Oak		Deciduous
Quercus bicolor	Swamp White Oak		

Quercus coccinea	Scarlet Oak		Deciduous
Quercus falcata	Southern Red Oak		Deciduous
Quercus georgiana	Georgia Oak		Deciduous
Quercus imbricaria	Shingle Oak		Deciduous
Quercus lyrata	Overcup Oak		Deciduous
Quercus laurifolia	Laurel Oak		Deciduous
Quercus michauxii	Swamp Chestnut Oak		Deciduous
Quercus macrocarpa	Bur Oak		Deciduous
Quercus nigra	Water Oak		Deciduous
Quercus nuttalli	Nuttall Oak		Deciduous
Quercus phellos	Willow Oak		Deciduous
Quercus prinus	Chestnut Oak	Availability	Deciduous
Quercus rubra	Northem Red Oak		Deciduous
Quercus shumardii	Shumard Red Oak		Deciduous
Quercus stellata	Post Oak		Deciduous
Quercus velutina	Black Oak		Deciduous
Taxoduim distichum	Bald Cypress	Shawnee Brave	Deciduous
Tilia spp.	Linden		Deciduous
Thuja × 'Green Giant'	Arborvitae	'Green Giant'	Evergreen
Thuja plicata	Giant (Western) Arborvitae		Evergreen
Ulmus americana	American Elm	Princeton and other resistant varieties	Deciduous
Ulmus parviflora	Lacebark Elm	Allee, Athena, Bosque	Deciduous
Zelkova serrata	Japanese Zelkova	Green Vase	Deciduous

City of Stockbridge Understory and Other Small Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer barbatum	Florida Maple		Deciduous
Acer buergeranum	Trident Maple	Street Wise	Deciduous
Acer campestre	Hedge Maple		Deciduous
Acer leucoderme	Chalk Maple		Deciduous
Acer palmatum	Japanese Maple		Deciduous
Acer saccharum	Sugar Maple		Deciduous
Aesculus pavia	Red Buckeye		Deciduous
Alnus serrulata	Alder		Deciduous
Amelanchier × grandiflora	Serviceberry	Princess Diana, Autumn Brilliance	Deciduous
Aralia spinosa	Devils Walking Stick		Deciduous
Betula nigra	River Birch	Little King	Deciduous
Carpinus caroliniana	American Hornbeam		Deciduous
Castanea pumila	Chinkapin		Deciduous
Celtis tenulfolia	Georgia Hackberry		Deciduous
Celtis laevigata	Sugarberry		Deciduous

Cercidiphyllum japonicum	Katsura Tree		Deciduous
Cercis canadensis	Eastern Redbud		Deciduous
Cercis reniformis	Redbud	Oklahoma	
Chioanthus retusus	Chinese Fringetree		Deciduous
Chioanthus virginicus	White Fringetree		Deciduous
Cladrastis kentukea	Yellowwood		Deciduous
Cornus spp.	Dogwood	Florida and Kousa crosses	Deciduous
Cornus florida	Flowering Dogwood	Aurora	Deciduous
Cornus kousa	Kousa Dogwood		Deciduous
Crataegus spp.	Hawthorn	Thornless cultivars	Deciduous
Crataegus phaenopyrum	Washington Hawthorn		Deciduous
Diospyros virginiana	Persimmon		Deciduous
Halesia carolina	Silverbell		Deciduous
Halesia diptera	Two Winged Silverbell		Deciduous
Hamamelis virginiana	Witch-hazel		Deciduous
Ilex spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
Ilex decidua	Possumhaw		Deciduous
Juniperus virginiana	Red Cedar		
Koelreuteria paniculata	Golden Raintree		Deciduous
Lagerstromia indica × faurieri	Crape Myrtle	Tree form cultivars disease resistant and hardy, e.g., Choctaw, Natchez	Deciduous
Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen
Magnolia × loebneri	Loebner Magnolia	Merrill	Deciduous
Magnolia macrophylla	Bigleaf Magnolia		Deciduous
Magnolia soulangiana	Saucer Magnolia		Deciduous
Magnolia stellata	Star Magnolia	Star Man	
Magnolia tripetala	Umbrella Magnolia		Deciduous
Magnolia virginiana	Sweetbay Magnolia		Evergreen
Malnus floribunda	Japanese Flowering Crabapple		Deciduous
Myrica cerifera	Waxmyrtle		Evergreen
Osmanthus americanus	Devilwood		Evergreen
Ostrya virginiana	Eastern Hophombeam		Deciduous
Oxydendrum arboreurn.	Sourwood		Deciduous

Pinus Virginiana	Virginia Pine	Slopes, Screen	Evergreen
Pistacia chinesis	Chinese Pistache		Deciduous
Prunus spp.		Okame, Autumnalis	Deciduous
Sassafras albidurn	Sassafras		Deciduous
Styrax americana	Snowbell		Deciduous
Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreurn	Sparkleberry		Evergreen

City of Stockbridge Recommended Trees for Under Powerlines

Scientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis candensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Kousa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koelreuteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man
Oxydendrum arboreum	Sourwood	
Prunus spp.		Okame, Autumnalis

TITLE 14: SUBDIVISIONS

14.1 Subdivision Plat Process

These regulations shall govern the subdivision of all land within the incorporated area of the city.

A. Any owner of land within such jurisdiction wishing to subdivide land shall submit to the planning commission a plat of the subdivision which shall conform to all requirements set forth in these regulations.
B. No plat of a subdivision lying within such territory or part thereof, shall be recorded in the office of the Clerk of the Superior Court of Henry County and no subdivider shall proceed with the improvement of lots in a subdivision until such subdivision plat shall have been approved by the planning commission with such approval entered in writing on the plat by the chairman of the planning commission and then submitted to the mayor and council for review.

14.2 Review and Approval Authority.

A. The Community Development Department, the Public Works Department, and the Fire Marshal shall have the authority to review and approve Subdivision Plat required by this chapter consistent with these provisions.
B. Neither the Director, City Engineer, and/or Fire Marshal shall have the authority to waive any requirement of this Code in the review of Subdivision Plat.
C. The procedure for the review of proposed amendments or revisions to previously approved Subdivision Plat shall follow the process for the initial approval of Subdivision Plat outlined below.

14.3 Pre-Application Review.

A. Prior to the preparation of the subdivision plat, the subdivider shall prepare sketch plans and general subdivision proposals. He or his agent shall then confer informally with the Director regarding the suitability of the plans.
B. The purpose of this review is to acquaint the subdivider with plans and policies that might be significant to his proposed development.
C. Upon receiving favorable consideration, the subdivider may then proceed to prepare the preliminary plat for submission to the planning commission.

14.4 Approval of Preliminary Plat.

A. **Application:** Upon gaining approval through the pre-application review regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with other supplementary material as deemed necessary by the Director.

1. The preliminary plat shall show all existing conditions required below and shall show all existing conditions and all proposals, including the following:

    a. Proposed name of subdivision.

    b. Name and address of owner of record.

    c. Name, address and telephone number of subdivider.

    d. Date of survey, date of plat drawing, north point and graphic scale.

    e. Location (land district and land lot), and acreage.

    f. Number of residential lots and typical lot sizes.

    g. A vicinity map indicating streets and highways, land lot lines, railroads and other significant features, within one (1) mile of the proposed subdivision, drawn at a scale sufficient to show the information required.

    h. Exact boundary lines of the trace, giving lengths, bearings and present zoning.

    i. Unit divisions or stage development, if any, proposed by the subdivider.

    j. Contour lines based on sea level datum and drawn at intervals not greater than ten (10) feet. The source of the topographic contours shown shall be specified.

    k. Natural features within the proposed subdivision, including drainage channels, bodies of water and other significant features. On all watercourses the direction of flow shall be indicated.

    l. Cultural features within the proposed subdivision, including street names, rights-of-way and pavement widths; easements; bridges; culverts; utility lines and structures; buildings; city and county lines; land lot lines; and such other information as the subdivider may desire.

    m. Proposed subdivision layout, including: Street names, central angles of street intersections, approximate street grades, street surface widths; lot lines with dimensions, lot number, block letters; building setback lines with dimensions; sites to be reserved, developed or dedicated for public uses or for nonpublic uses exclusive of single-family dwellings.

    n. Location and results of percolation tests for any lots which will not be served by a public sewage system, as required by the county health department.

    o. Location and size of all proposed drainage structures, including catch basins, curbs, gutters, grates and headwalls.

    p. Location of all proposed sanitary and storm sewer lines or improvements and any easements required with sufficient dimensions to location same on the ground.

    q. Location and description of all proposed monuments and pins.

B. **Review Process:** The application shall be approved by the following divisions: Community

Development, Public Works Department, and Fire Marshal.

14.5 Small Subdivision Exemption.

The preceding provisions of this section may be waived and a shortened procedure initiated in the case of a subdivision of five (5) lots or less, and the subdivider may submit an application for final plat approval, without submitting a preliminary plat, provided:

1. Each lot in the proposed subdivision abuts an existing public street;
2. The proposed subdivision will not affect any major alterations of utility installations, or other existing or proposed public facilities; and
3. The application for final plat approval meets all the applicable procedural, design and other requirements of these regulations.

A subdivider intending to use this short-cut method shall first consult with the Director or his agent, supplying sufficient information to assure that the specified conditions will be met.

14.6 Approval of Final Plat.

A. **Application:** Once the Land Disturbance process has be completed, the subdivider shall cause to be prepared a final plat, together with other supplementary material as deemed necessary by the Director. The following shall be provided at the time of the application:

1. The final plat shall conform substantially to the preliminary plat; it may, however, represent only that portion of the approved preliminary plat which the subdivider proposes to develop and record at any one time, provided that such portion conforms to the requirements of these regulations.
2. The final plat shall be labeled "Final Plat" and contain the following information:
    a. Name of subdivision.
    b. Graphic scale, north arrow with reference of bearings to magnetic, true or grid north, and date of survey.
    c. Location of tract (land lot and land district) and acreage.
    d. All dimensions accurate to the nearest one-tenth (1/10) of a foot and all angles accurate to the nearest minute.
    e. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and building line whether curved or straight. This shall include but not be limited to the radium, length of arc, internal angles and tangent distance for the center line of curved streets.

f. Exact locations, right-of-way widths, and names of all streets and alleys within and immediately adjoining the plat along with street center lines.

g. Street intersection angles and street pavement widths.

h. Building setback lines with dimensions.

i. Blocks lettered alphabetically with lots and sites numbered in numerical order.

j. Location, dimensions and purpose of: easements, public service utility rights-of-way lines; areas (other than streets) to be reserved, donated, or dedicated to public use; and sites to be used for other than single-family residences.

k. Location and size of all drainage structures, including catch basins, curbs, gutters, grates and headwalls.

l. Location, material and description of all monuments and pins, including street markers.

m. Certification that the applicant is the land owner and dedicates streets, rights-of-way and any sites for public use.

n. Certification by the appropriate authorities for roads, water, sewers, and health that the subdivider has complied with one of the following alternatives:

   i. all improvements have been installed in accordance with their requirements;

   ii. a performance bond has been posted in sufficient amount to assure completion of all required improvements; or

   iii. other guarantees of satisfactory completion of required improvements have been accepted with their conditions specified in the certification.

o. Space for the approval of the planning commission.

p. Space for the acceptance of the mayor and council.

q. Protective covenants, if any, shall be shown on the plat.

r. Other data may be required by the Forest Park Planning Commission in the enforcement of these regulations. This data may include final engineering design reports on proposed improvements, or other certificates, affidavits, endorsements, or dedications necessary to support the intent of these regulations.

B. **Review Process:** The application shall be approved by the following divisions: the Community Development Department, the Public Works Department, Fire Marshal, and Planning Commission.

14.6 Recording.

It shall be the responsibility of the subdivider to send the approved final plat to the Clerk of Superior Court of Clayton County to be recorded with new number for land.

14.7 Requirements Regarding Ownership and Management of Open Space.

A. Where open space is required in a proposed development, the open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. If the entity accepting an easement is not the City of Stockbridge, then a right of enforcement favoring the City shall be included in the easement. The instrument shall be one (1) of the following:

1. A permanent conservation easement in favor of either paragraph a. or b., below:

a. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence. The conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

b. A governmental entity that will ensure perpetual management of the open space.

2. A permanent restrictive covenant, recorded on the final plat in favor of the City of Stockbridge.

3. An equivalent legal tool that provides permanent protection, if approved by the Mayor and City Council.

B. The legal instrument for permanent protection shall include clear restrictions on the use of the open space. The restrictions shall include all required by this Unified Development Code.

C. Open space may be owned by a homeowners' or property owners' association. Where such association is established and authorized to own the protected open space, membership in the association shall be mandatory for all owners and their successors within the development containing the protected open space. The association shall be responsible for managing and maintaining the open space and any structures located within the open space.

D. A plan setting forth the requirements and procedures to be followed in order to manage the land and vegetation on the land.

14.8 Amenity Package Requirements.

A. Subdivisions with over 300 lots must include a pool facility, clubhouse, pocket park of at least 2,000 sq ft, and at least two (2) of the following:

1. Playground
2. Dog Park
3. Tennis Court
4. Basketball Court
5. Walking Trial
6. Fitness Center
7. Picnic Area with Grill and Covered Pavilion

8. Community Garden and Reflection Area
9. Fire pit and gathering area
10. Any other amenity approved by the Director of Community Development

B. Subdivisions with over 150 lots must include a community clubhouse and at least three (3) of the following:
    1. Pool Facility
    2. Playground
    3. Dog Park
    4. Tennis Court
    5. Basketball Court
    6. Walking Trial
    7. Fitness Center
    8. Picnic Area with Grill and Covered Pavilion
    9. Community Garden and Reflection Area
    10. Fire pit and gathering area
    11. Any other amenity approved by the Director of Community Development
C. Subdivisions with over 100 lots must include a pocket park of at least 2,000 sq ft and at least two (2) of the following:
    1. Pool Facility
    2. Clubhouse
    3. Playground
    4. Dog Park
    5. Tennis Court
    6. Basketball Court
    7. Walking Trial
    8. Fitness Center
    9. Picnic Area with Grill and Covered Pavilion
    10. Community Garden and Reflection Area
    11. Fire pit and gathering area
    12. Any other amenity approved by the Director of Community Development
D. Final Approval subject to Community Development Director review and approval.

14.9 Street Light Requirements.

A. All streets and roadways that are constructed in residential, commercial or industrial areas shall include street lights, lampposts, or similar devices sufficient to illuminate all the street and walk area at night so as to permit safe passage by vehicles and pedestrians.

B. The location, arrangement, type, and number of street lights shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and proposed use of land to be served by the rights-of-way. The standards approved by the American National Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association on July 11, 1973, as amended, shall also be considered.

C. All street lights installed under this section shall be dedicated by the subdivider to the city or property owners association, as applicable, unless this requirement is expressly waived by the mayor and city councilj.

14.10 Private Road Requirements.

A. All private streets and roadways constructed in residential, commercial or industrial areas shall conform to the minimum improvement standards otherwise applicable to public streets and roadways found in the City's Unified Development Code, as applicable.

B. No private streets or roadways shall be platted in any subdivision without the express consent of the mayor and city council.

14.11 Detention Design Requirements.

A. Generally.

1. All stormwater detention design calculations shall be certified by a professional engineer currently registered in the state of Georgia.

2. All stormwater detention facilities shall be designed to control the peak flow rates associated with storms having two (2) year, five (5) year, ten (10) year, twenty-five (25) year, fifty (50) year, and one hundred (100) year storm frequencies.

3. A variety of methods of achieving stormwater management goals shall be acceptable in providing detention facilities. The type of facility provided shall be based on the following criteria:

    a. The type of development which the detention facility is being provided;

    b. The type of development which the detention facility is intended to protect;

    c. Volume of stormwater to be stored;

    d. Origin and magnitude of the flows to be managed;

e. Topographic opportunities and limitations;

f. Safety considerations;

g. Maintenance requirements;

h. Aesthetic considerations;

i. Likelihood of facility operation interfering with access to public or private facilities;

j. Proximity of facility to property lines, utilities, buffers, etc.; and

k. Similar site-specific constraints.

4. Detention facilities may be of any of the following types, and two (2) or more types may be used in combination with one another:

   a. Normally-dry basins, whether excavated or created by damming a natural drainage feature, or a combination of both methods;

   b. Lakes and ponds, whether excavated or created by damming a natural drainage feature, or a combination of both methods;

   c. Parking lot facilities;

   d. Underground facilities;

   e. Rooftop facilities.

5. Plans, specifications and computations must be complete in detail sufficient to enable another engineer to fully check and verify the results and computations. The plans used for construction must contain basic design data, a project narrative, schedule of construction, name and address of person responsible for construction, the engineer's seal or stamp, signature and address and engineering drawings required for the project construction.

   a. The detention facility shall be provided with an overflow device or emergency spillway to accommodate the one hundred (100) year frequency storm in the event the outflow control structure becomes obstructed with debris.

   b. The configuration of the detention facility, outflow and overflow control devices shall be clearly depicted in plan and cross-section on the construction drawings.

   c. Graded access easement, (maximum six percent (6%) grade) around all detention ponds in areas inaccessible to vehicular traffic.

   d. Temporary sediment basins shall he designed and shown at all detention sites and all major drainage exits. The detention facility shall be designed to provide temporary silt protection.

   e. Underground detention facilities will require details that provide:

      i. The location and type of access protection for the detention facility,

      ii. An outline of maintenance procedures to be filed with the county,

iii. Safety requirements as specified by the county for the site.

B. As Constructed Certification of Detention Pond. After construction and before acceptance for occupation or otherwise the engineer shall submit a certified field run topographic map of the detention area and a revised hydrology study using the as-built topographic map to verify that the required detention storage and outflow rates are being provided.

C. Detention Pond Fencing. When a detention structure is over four feet (4') deep or in a location that constitutes a danger to human habitation, it shall be protected by a permanent fence or barrier and warning signs. Fences shall be five feet (5') high chain link or other approved material with a ten-foot (10') wide gate. Fences shall be located on the outside edge of the twenty-foot (20') perimeter easement.

(D) Detention Pond and Drainage Easements. Drainage easements suitable for the construction and maintenance of the drainage system shall be provided. No fences shall be built that would inhibit proper function of the drainage system. All subdivision lots shall have a ten-foot (10') drainage easement along all side lot lines. All detention facilities shall be accessible from a public street by a minimum thirty-foot (30') graveled easement, which easement shall also be available to the city, and there shall be an easement for the detention facility including twenty feet (20') around the outside perimeter of the facility. No fences or planting of shrubbery shall be allowed on the access easement. The easement providing access to the city for maintenance shall appear on the final plat for subdivision approval.

14.12 Maintenance of Detention Facilities.

A. The titleholder to the property at the time of development of property for residential, commercial or industrial purposes shall have the duty, responsibility and liability for the operation and maintenance of all detention facilities and ponds that serve the development. Operation and maintenance shall be conducted according to all other applicable city code provisions existing as of the date hereof and as subsequently amended by the city.

Upon the expiration of the maintenance bond posted for the facilities, residential facilities may be `transferred to a homeowner's association that is validly existing under the laws of the state of Georgia that has the legal ability to assess and collect fees for the maintenance of the facilities. Thereafter, the homeowner's association shall be responsible for the payment of all costs that are incurred for the maintenance of the facility according to the ordinances of the city.

The property upon which the facilities are located cannot be included in the description of any lot located in a residential subdivision. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title to the property upon which such facilities are located, and the owner of the property, after the expiration of the maintenance bond, shall be fully liable and responsible for the maintenance of the facilities.

B. The city shall have a perpetual nonexclusive easement over and across all access easements to the detention ponds and facilities, together with a nonexclusive easement over, above, under and

through the detention pond and facilities for the purpose of the operation and maintenance of such facilities.

C. In the event the owner of the detention facility fails to maintain the facility as required by the city code, the city shall have the right to call upon the maintenance bond if the same is still in existence to pay for any costs incurred for the operation, maintenance, repair, removal or reconstruction of the facilities. In the event that the maintenance bond has expired, the city shall give notice to the property owner or owners who are served by the facilities to make the necessary repairs thereof, giving them a specific date in which the maintenance and repairs of the facilities are to commence and to be completed. In the event the property owner fails to commence and/or complete the facilities within the time specified in the notice, the city shall have the right and authority to enter upon the property to operate, maintain and repair the facilities. The titleholders of the facilities and the properties serviced by the facilities shall be responsible for the reimbursement of all costs incurred by the city for the operation, maintenance and repair of the facilities. The city shall be authorized to protect its interest by filing a lien upon all properties being served by the facilities and to enforce the liens through the collection of additional fees from the property owners being served by the facilities.

14.13 Stormwater Facilities Plat Requirements.

A. The property upon which the stormwater facilities are located cannot be included in the description of any lot located in a residential subdivision. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title to the property upon which such facilities are located, and the owner of such property, after the expiration of the maintenance bond, shall be fully liable and responsible for the maintenance of such facilities, while residential facilities may be transferred to a homeowner's association that is validly existing under the laws of the State of Georgia where such entity has the legal ability to assess and collect fees for the maintenance of those facilities.

   In the event of such a transfer, the homeowner's association shall be responsible for the payment of all costs that are incurred for the maintenance of the facility according to the ordinances of the city.

B. The city shall have a perpetual nonexclusive easement over and across all access easements to the detention ponds and facilities, together with a nonexclusive easement over, above, under and through the detention pond and facilities for the purpose of the operation and maintenance of such facilities.

C. In order to facilitate the maintenance and inspections contemplate by this section, it shall be required that all final plats submitted to the county for review shall include an unencumbered nonexclusive easement from an existing public roadway to any stormwater detention structure or pond. Those easements shall be identified upon the final plat. The access easement shall be a minimum of thirty (30) feet in width and shall be at least graveled to accommodate the equipment necessary to clean and maintain both the easement and the structure or pond.

14.14 Requirement of As-Built Drawings.

After completion of the physical development of the subdivision, the developer shall contact the building department for a checklist that specifies the procedure in obtaining the various approvals from county departments which will release the subdivision for final plat consideration. As part of this process, the developer/subdivider shall submit a final plat and as-built drawings, including those for sewer, water, detention ponds and stormwater systems, and roads. As-built drawings shall be submitted in electronic form in a format to be determined by the city. The developer shall also be responsible for providing an electronic copy of as-built water and sewer system drawings to the Henry County Water and Sewerage Authority.

TITLE 15: ENVIRONMENTAL PROTECTION

15.1 Drinking Water Conservation Requirements.

15.1.1 Purpose of Provisions.

It is the purpose of this article to require the use of ultra-low flow plumbing fixtures in all new construction, or when replacing plumbing fixtures during renovation or remodeling of existing buildings and to require the labeling of plumbing fixtures with information regarding flow rates for the purpose of conserving water to maintain the integrity of drinking water supplies and reduce wastewater flows.

15.1.2 Definitions.

As used in this article:

Commercial building means any type of building other than single-family and two-family residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building, and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Persons means any individual, corporation, partnership, or legal entity.

Plumbing fixtures means any toilet, urinal, showerhead, bathroom, lavatory, and kitchen faucet, and replacement aerators.

Residential building means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Toilet means any fixture consisting of a water flushed bowl with a seat, used for the disposal of human waste.

Urinal means any fixture consisting of a water-flushed bowl used for the disposal of human waste.

15.1.3 Fixture Specifications and Installation Standards.

No plumbing fixture shall be installed which does not meet the standards listed in subsection A of this section. This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling or renovation of existing buildings, except as noted in legally non-conforming cases:

A. All plumbing fixtures installed as referred to above should not exceed the following maximum water use rates:

1. Toilets: 1.6 gallons per flush;
2. Urinals: 1.0 gallons per flush;
3. Showerheads: 2.5 gallons per minute;
4. Kitchen faucets: 2.5 gallons per minute; and
5. Bathroom and lavatory faucets: 2.0 gallons per minute.

B. The flow-restriction device in a showerhead must be a permanent and an integral part of the showerhead and must not be removable to allow flow rates in excess of that stated in subsection A of this section.

C. Lavatory faucets located in restrooms intended for use by the general public shall be of the metering or self-closing type, in addition to the flow requirement listed in subsection A of this section.

15.1.4 Product Labeling Specifications.

Effective July 1, 1991, all toilets, urinals, showerheads. or faucets shall be clearly labeled by the manufacturer to indicate the maximum flow rate or water usage of the fixture. The water-use rate of the fixture shall be certified by the manufacturer based on independent test results and using sixty (60) psi for showerheads. The label shall be affixed to the fixture and remain there until the proper building and/or plumbing inspections have been conducted. Also, the product packaging must be clearly marked to identify water use rates when offered for retail sale.

15.1.5 Exceptions.

A. The following fixture uses or applications shall be exempt from the standards:

1. Showers and faucets installed for safety purposes, such as emergency eye-wash stations, etc.;
2. Plumbing fixtures specifically designed for use by the physically handicapped;
3. Fixtures specifically designed to withstand unusual abuse or for installation in correctional institutions, which may require more water for proper operation; and
4. Instances of building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes which cannot be accommodated by existing technology.

B. Permission for the exceptions listed here must be obtained from the Director of Public Works or their designee.

15.1.6 Compliance and Enforcement.

A. The City of Stockbridge Municipal Court shall have jurisdiction to hear all cases involving an alleged violation of this article.

B. In addition to the penalties set forth in Section 15.1.7, the Director may take such other action as described below to compel compliance and may maintain an action or proceeding in municipal court or any court of competent jurisdiction to compel compliance with or restrain any violation of this article.

C. Compliance with the requirements for installation and labeling at the time of installation shall be determined by the Director of Public Works or their designee or his/her agent in cases of new or replacement plumbing fixture installations, and compliance shall be a condition for receipt of any occupancy permit.

D. Compliance with the requirements in Section 15.1.4, regarding the labeling of plumbing fixtures offered for retail sale, shall be determined by the Director of Public Works or their designee. The Director or his/her agent shall have access to all establishments which offer for retail sale or sell plumbing fixtures at retail for purposes of determining compliance with Section 15.1.4.

15.1.7 Violation—Penalty.

A. Any person who violates any provision of this Chapter shall be subject to a fine not to exceed five hundred dollars ($500.00) for each violation. Each violation shall constitute a separate offense and each day that such violation continues shall constitute a separate offense.

B. Any person who violates any provision of this article and holds a business license which authorizes the construction, installation, repair, distribution, sale, or maintenance of such plumbing fixtures may have their license suspended for a definite period or canceled. The time of suspension or cancellation will be determined by the municipal court judge.

C. Any person who violates the provisions of this Article may be denied water and sewer services or have their water and sewer services terminated. Such water and sewer services can be terminated by an order from the municipal court judge.

15.2 Recycling of Water at Commercial Carwash Facilities.

15.2.1 General Provision.

The purpose of this section is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

15.2.2 Applicability.

A. This section applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.

B. The provisions of this section do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.

C. The provisions of this section do not apply to self-service car washes or in-bay car washes.

D. Commercial Car Wash Water Recycling Requirement. All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems. A minimum of fifty percent (50%) of water utilized will be recycled.

15.2.3 Definitions.

The following words and phrases, whenever used in this section, have the meaning defined in this section

In-bay automatic car wash means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Conveyor car wash means a commercial car wash where the car moves through the building tunnel on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

Recycled water system means a water system that captures and reuses water previously used in wash or rinse cycles.

Self-service car wash means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

15.2.4 Water Waste.

A. The following uses are a waste or unreasonable use or method of use of water and are prohibited:

1. Allowing water to escape from any premises onto public right-of-way, such as streets and sidewalks, or upon any other person's property.
2. Operating an irrigation system or other lawn or landscaping watering device during rain.
3. Operating an irrigation system or other lawn or landscaping watering device that has any broken or missing sprinkler heads.
4. Failing to repair a controllable leak, including a broken sprinkler head, or a leaking valve, or a leaking outdoor faucet, or a service line leak, or any other visible outside water leaks, on premises owned, leased, or managed by that person, within thirty (30) days.
5. Washing any vehicle with a hose and not having a water shut-off nozzle or allowing water to run continuously from a hose while washing any vehicle is also prohibited.

B. The restrictions in this policy or section do not apply to the following authorized uses:

1. Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities.
2. Water applied as a dust control measure, as required by erosion and sedimentation rules.

3. Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology.

4. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.

5. Water used for construction or maintenance activities where the application of water is appropriate methodology and where no other practical alternative exists.

6. Water used for power-washing hard surfaces to alleviate safety or sanitary hazards, unless prohibited by drought restrictions.

7. Mobile car washes when approval or a special use permit is obtained from the City.

8. Emptying of swimming pools for maintenance when proper local rules are followed.

C. If it is found that there is a waste of water in or about any premises to which water is supplied from the City water system, either by willful waste or by means of a leak in any water pipe or fixture located in or upon the premises, the City may cause the water to be cut off from the premises upon reasonable notice to the occupant, unless special circumstances require that such waste shall be immediately stopped. Where the water supply is cut off as herein provided, the water shall not again be turned on until all water bills and the bill for the cost of cutting off and again turning on the water shall have been paid.

15.3 Outdoor Watering.

15.3.1 Restriction on Outdoor Watering of Landscape.

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

A. Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

B. Capture and reuse of cooling system condensate or storm water in compliance with any applicable City ordinances and state guidelines;

C. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

D. Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

E. Watering personal food gardens;

F. Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of thirty (30) days immediately following the date of installation;

G. Drip irrigation or irrigation using soaker hoses;

H. Hand watering with a hose with automatic cutoff or handheld container;

I. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

J. Watering horticultural crops held for sale, resale, or installation;

K. Watering athletic fields, golf courses, or public turf grass recreational areas;

L. Installation, maintenance, or calibration of irrigation systems; or

M. Hydroseeding.

15.3.2 Enforcement.

A. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in Section 15.3.1.

B. Code enforcement shall be the enforcement authority for this article. The code enforcement department may authorize other departments as may be deemed necessary to support enforcement.

C. **Criminal and alternative penalties.** Any violation of this section may also be enforced by a citation or accusation returnable to the municipal court or by any other legal means as set forth in this Code.

15.3.3 Stormwater Facilities Zoning and Plat Requirements.

A. The property upon which the stormwater facilities are located cannot be included in the description of any lot located in a residential subdivision. Detention ponds and facilities that are located on commercial and industrial properties shall follow the title to the property upon which such facilities are located, and the owner of such property, after the expiration of the maintenance bond, shall be fully liable and responsible for the maintenance of such facilities, while residential facilities may be transferred full liability to a homeowner's association that is validly existing under the laws of the State of Georgia where such entity has the legal ability to assess and collect fees for the maintenance of those facilities.

B. In the event of such a transfer, the homeowner's association shall be responsible for the payment of all costs that are incurred for the maintenance of the facility according to the ordinances of the City.

C. The City shall have a perpetual nonexclusive easement over and across all access easements to the detention ponds and facilities, together with a nonexclusive easement over, above, under and through the detention pond and facilities for the purpose of the operation and maintenance of such facilities.

D. In order to facilitate the maintenance and inspections contemplate by this section, it shall be required that all final plats submitted to the City for review shall include an unencumbered nonexclusive easement from an existing public roadway to any stormwater detention structure or pond. Those easements shall be identified upon the final plat. The access easement shall be a minimum of thirty (30) feet in width and shall be at least graveled to accommodate the equipment necessary to clean and maintain both the easement and the structure or pond.

15.4 Stream Buffer Protection.

15.4.1 Title.

The ordinance codified in this chapter shall be known as the "City of Stockbridge Stream Buffer Protection Ordinance."

15.4.2 Findings and Purposes.

A. Findings.

Whereas, the City Council of the City of Stockbridge finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
2. Removing pollutants delivered in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Protecting and stabilizing stream banks;
5. Providing for infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic habitat;
9. Providing riparian wildlife habitat;
10. Furnishing scenic value and recreational opportunity; and
11. Providing opportunities for the protection and restoration of greenspace.

B. Purposes.

The purpose of this chapter is to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of the City of Stockbridge for the protection of water resources; and
2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

15.4.3 Definitions.

Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by this chapter), lying adjacent to the stream.

Impervious cover means any manmade paved, hardened, or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools, and any concrete or asphalt paving.

Land development means any land change, including but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting, and filling of land, and construction, paving, and any other installation of impervious cover.

Land development activity means those actions or activities which comprise, facilitate, or result in land development.

Land disturbance means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbance activity means those actions or activities which comprise, facilitate, or result in land disturbance.

Floodplain means any land area susceptible to flooding, which would have at least a one (1) percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan i.e., the regulatory flood.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Permit means the permit issued by the Henry County Community Development Department required for undertaking any land development activity.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, county, or other political subdivision of the state, any interstate body, or any other legal entity.

Protection area or stream protection area means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Riparian means belonging or related to the bank of a river, stream, lake, pond, or impoundment.

Setback means, with respect to a stream, the area established by this chapter extending beyond any buffer applicable to the stream.

Stream means any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains stream flow; or
2. A point in the stream channel with a drainage area of twenty-five (25) acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than twenty-five (25) acres, the City of Stockbridge may require field studies to verify the existence of a stream.

Stream bank means the sloping land that contains the stream channel and the normal flows of the stream.

Stream channel means the portion of a watercourse that contains the base flow of the stream.

Watershed means the land area that drains into a particular stream.

15.4.4 Applicability.

This chapter shall apply to all land development activity on property containing a stream protection area as defined in Section 15.4.3 of this title. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state, or federal regulations.

A. **Grandfather Provisions.**

This chapter shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of the ordinance codified in this chapter;
2. Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, and gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements;
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of the ordinance codified in this chapter;
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of the ordinance codified in this chapter.

B. **Exemptions.** The following specific activities are exempt from this chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one (1) of the following:

    a. A stream crossing by a driveway, transportation route or utility line;

    b. Public water supply intake or public wastewater outfall structures;

    c. Intrusions necessary to provide access to a property;

    d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

    e. Unpaved foot trails and paths; or

    f. Activities to restore and enhance stream bank stability, vegetation, water quality, and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least twenty-five (25) feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in this section.

3. Land development activities within a right-of-way existing at the time the ordinance codified in this chapter takes effect or approved under the terms of this chapter.

4. Within an easement of any utility existing at the time the ordinance codified in this chapter takes effect or approved under the terms of this chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve structures.

5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the City of Stockbridge Community Development Department Director on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City of Stockbridge Community Development Department Director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability, or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on

the entire property for three (3) years after the end of the activities that intruded on the buffer.

After the effective date of the ordinance codified in this chapter, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to a variance as described in this title.

15.4.5 Land Development Requirements.

A. **Buffer and Setback Requirements.** All land development activity subject to this article shall meet the following requirements:

1. An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

2. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

B. **Variance Procedures.** Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

1. Where a parcel was platted prior to the effective date of the ordinance codified in this chapter, and its shape, topography or other existing physical condition prevents land, and the City of Stockbridge Community Development Department Director finds and determines that the requirements of this chapter prohibit the otherwise lawful use of the property by the owner, the City Council of the City of Stockbridge may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

2. Except as provided above, the City Council of the City of Stockbridge shall grant no variance from any provision of this chapter without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the City Council. The City of Stockbridge shall give public notice of each such public hearing in a newspaper of general circulation within the City of Stockbridge.

3. Variances will be considered only in the following cases:

    a. When a property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance codified in this chapter prevent land development unless a buffer variance is granted; or

b. Unusual circumstances when strict adherence to the minimal buffer requirements in this chapter would create an extreme hardship.

4. At a minimum, a variance request shall include the following information:

   a. A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey;

   b. A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;

   c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover and the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

   d. Documentation of unusual hardship should the buffer be maintained;

   e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

   f. A calculation of the total area and length of the proposed intrusion;

   g. A stormwater management site plan, if applicable; and

   h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

   i. The following factors will be considered in determining whether to issue a variance:

      i. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

      ii. The locations of all streams on the property, including along property boundaries;

      iii. The location and extent of the proposed buffer or setback intrusion;

      iv. Whether alternative designs are possible which require less intrusion or no intrusion;

      v. The long-term and construction water-quality impacts of the proposed variance; and

      vi. Whether issuance of the variance is at least as protective of natural resources and the environment.

15.4.6 Compatibility with Other Buffer Regulations and Requirements.

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more

restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

15.4.7 Additional Information Requirements for Development on Buffer Zone Properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
    a. The location of all streams on the property;
    b. Limits of required stream buffers and setbacks on the property;
    c. Buffer zone topography with contour lines at no greater than five (5) foot contour intervals;
    d. Delineation of forested and open areas in the buffer zone; and
    e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback
2. A description of all proposed land development within the buffer and setback
3. Any other documentation that the City of Stockbridge Community Development Department Director may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

15.4.8 Responsibility.

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the City of Stockbridge, its officers, or employees, for injury or damage to persons or property.

15.4.9 Inspection.

A. The City of Stockbridge may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City in making such inspections. The City of Stockbridge shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

B. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

15.4.10 Violations, Enforcement and Penalties.

Any action or inaction which violates the provisions of this chapter or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. **Notice of Violation.**

If the Director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

1. The notice of violation shall contain:

    a. The name and address of the owner or the applicant or the responsible person;

    b. The address or other description of the site upon which the violation is occurring;

    c. A statement specifying the nature of the violation;

    d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this chapter, and the date for the completion of such remedial action;

    e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and

    f. A statement that the determination of violation may be appealed to the City of Stockbridge Community Development Department Director by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient).

B. **Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Stockbridge Community Development Department Director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such

notice and cure period, the City of Stockbridge Community Development Department Director may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties:

1. **Stop Work Order.** City of Stockbridge Community Development Department Director may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. **Withhold Certificate of Occupancy.** The City of Stockbridge Community Development Department Director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. **Suspension, Revocation, or Modification of Permit.** The City of Stockbridge Community Development Department Director may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City of Stockbridge Community Development Department Director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties.** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days (or such greater period as the City of Stockbridge Community Development Department Director shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient) after the City of Stockbridge Community Development Department Director has taken one (1) or more of the actions described above, the City of Stockbridge Community Development Department Director may impose a penalty not to exceed one thousand dollars ($1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. **Criminal Penalties.** Any person violating the terms of this chapter shall be punished in municipal court as provided for in this code. Each day the violation continues shall be considered a separate offense.

15.4.11 Administrative Appeal and Judicial Review.

A. **Administrative Appeal.**

Any person aggrieved by a decision or order of the Director, may appeal in writing within ten (10) days after the issuance of such decision or order to the City Council of City of Stockbridge and shall be entitled to a hearing before the City Council of City of Stockbridge within forty-five (45) days of receipt of the written appeal.

B. **Judicial Review.**

Any person aggrieved by a decision or order of the Director, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Henry County.

15.4.12 Severability.

If any article, section, subsection, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

15.5.4 Application/Permit Process.

A. General. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

B. Application Requirements.

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the City to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to the City and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection C of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections 15.5.3.B and C of this chapter will be met. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed eighty dollars ($80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within thirty-five (35) days of receipt. Failure of the district to act within thirty-five (35) days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by subsections 15.5.3.C 16, 17, and 18 have been obtained, all fees have been paid, and bonding, if required as per subsection 15.5.4.B.6, have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within thirty-five (35) days of receipt. Failure of the local issuing authority with plan review authority to act within thirty-five (35) days shall be considered an approval of the revised plan submittal.

5. If a permit applicant has had two (2) or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

6. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, three thousand dollars ($3,000.00) per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. Plan Requirements.

1. Plans must be prepared to meet the minimum requirements as contained in subsections 15.5.3.B and C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

2. Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. Permits.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this chapter, any variances required by subsections 15.5.3.C.16, 17 and 18 are obtained, bonding requirements, if necessary, as per subsection 15.5.4.B.6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this chapter, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit shall notify any

successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two (2) or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three (3) years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

15.5 Soil Erosion, Sedimentation, and Pollution Control.

15.5.1 Title and Definitions.

A. This section will be known as "Stockbridge Soil Erosion, Sedimentation and Pollution Control Ordinance."

B. The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

Best management practices (BMPs) include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board means the Board of Natural Resources.

Buffer means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal marshlands shall have the same meaning as in O.C.G.A. § 12-5-282.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means a certified professional in erosion and sediment control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department means the Georgia Department of Natural Resources (DNR).

Design professional means a professional licensed by the state in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design professionals shall practice in a manner that complies with applicable state law governing professional licensure.

Director means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or an authorized representative.

District means the Region IV Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage structure means a device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

EPD means the Environmental Protection Division of the Georgia Department of Natural Resources, which is a state agency charged with protecting Georgia's air, land, and water resources through the authority of state and federal environmental statutes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion, sedimentation, and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7 that includes, as a minimum protection at least as stringent as the state general permit, best management practices, and requirements in Section 15.5.3.C of this chapter.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 15.5.2.E.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority (LIA) means the governing authority of any county or municipality which is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8.

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et. seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation, or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI means a notice of intent form provided by EPD for coverage under the state general permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the state general permit.

NPDES means the National Pollution Discharge Elimination System.

Operator means the party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation, and pollution control plan or to comply with other permit conditions.

Outfall means the location where storm water in a discernible, confined, and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of the state, any interstate body, or any other legal entity.

Phase or phased means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled roadway consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Soil and water conservation district approved plan means an erosion, sedimentation, and pollution control plan approved in writing by the Region IV Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. § 12-5-30.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation, and pollution control practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices

are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Trout streams means all streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov . Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, that produces long-term vegetative cover;
2. Temporary seeding that produces short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

15.5.2 Exemptions.

This chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";

B. Granite quarrying and land clearing for such quarrying;

C. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

D. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, but the Director may grant variances to no less than twenty-five (25) feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least twenty-five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

E. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs 16 and 17 of Section 15.5.3.C, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;

G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

H. Any non-commercial project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one

(1) acre, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A, B, C, D, E, F, G, I, or J of this section. Commercial projects of five thousand (5,000) square feet or greater of disturbed area are not exempt from any provision of this chapter; provided, however, that the City of Stockbridge may specifically exempt commercial projects of less than one (1) acre from soil erosion plan requirements in cases where minimal land disturbance is to occur.);

I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

J. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

K. Any public water system reservoir.

15.5.3 Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.

A. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this chapter and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this chapter shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation, and pollution control plans. Soil erosion, sedimentation, and pollution control measures and practices shall conform to the minimum requirements of subsections B and C. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation, and pollution during all stages of any land-disturbing activity in accordance with requirements of this chapter and the NPDES general permit.

B. **Minimum Requirements/BMPs.**

1. Best management practices as set forth in subsections B and C shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph 2 of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in subsection (b) of O.C.G.A. § 12-7-6.

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

5. The City of Stockbridge Public works department (LIA) may set more stringent buffer requirements than stated in paragraphs C 16, 17, and 18 of this section, in light of subsection (c) of O.C.G.A. § 12-7-6.

6. Additional erosion and sediment control measures will be installed if deemed necessary by the local issuing authority after an on-site inspection.)

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. A construction exit designed in accordance with the “Manual for Erosion and Sediment Control in Georgia” must be the first element developed on a construction site. The construction exit must be maintained in such a way as to prevent any mud from being tracked onto public roads;

2. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

3. Cut-fill operations must be kept to a minimum;

4. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

5. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

6. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

7. Disturbed soil shall be stabilized as quickly as practicable;

8. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

9. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

10. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;

11. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

12. Cuts and fills may not endanger adjoining property;

13. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

14. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

15. Land-disturbing activity plans for erosion, sedimentation, and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 15.5.3.B.2.

16. Except as provided in paragraphs 17 and 18 of this subsection, there is established a twenty-five (25) feet buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least twenty-five (25) feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

    a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

    b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees

of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (a) stream crossings for water lines; or (b) stream crossings for sewer lines; and

17. There is established a fifty (50) feet buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of twenty-five (25) gallons per minute or less shall have a twenty-five (25) foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

    a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

    b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (a) stream crossings for water lines; or (b) stream crossings for sewer lines; and

18. There is established a twenty-five (25) feet buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970," and the rules and regulations promulgated thereunder, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any

currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope, or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of no more than fifty (50) feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a twenty-

five (25) foot buffer would consume at least eighteen (18) percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than five hundred (500) square feet or that have a "minor buffer impact" as defined in EPD Rule 391-3-7-.01(r), provided that the total area of buffer impacts is less than five thousand (5,000) square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least fourteen (14) days prior to the commencement of land-disturbing activities.

D. Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections B and C of this section.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

15.5.5 Inspection and Enforcement.

A. The City will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this chapter, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he/she shall be deemed in violation of this chapter.

B. The local issuing authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The City shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have ninety (90) days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within ninety (90) days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

15.5.6 Penalties and Incentives.

A. **Failure to Obtain a Permit for Land-Disturbing Activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this chapter without first obtaining said permit, the person shall be subject to revocation of his/her business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

B. **Stop-Work Orders.**

1. For the first and second violations of the provisions of this chapter, the Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the local issuing authority shall issue an immediate stop-work order; and

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. **Bond Forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he/she shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his/her performance bond, if required to post one under the provisions of subsection 16.5.4.B.6. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **Monetary Penalties.**

1. Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) per day. For the purpose of enforcing the provisions of this chapter, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars ($2,500.00) for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this chapter under county ordinances approved under this chapter shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars ($2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

15.5.7 Education and Certification.

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one (1) person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this chapter.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

15.5.8 Administrative Appeal Judicial Review.

A. **Administrative Remedies.** The suspension, revocation, modification, or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within thirty (30) days after receipt by the local issuing authority of written notice of appeal.

B. **Judicial Review.** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Henry County.

15.5.9 Effectivity, Validity and Liability.

A. **Effectivity.** This chapter shall become effective with the adoption of the ordinance.

B. **Validity**. If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.

C. **Liability.**

1. Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

3. No provision of this chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

15.6 Stormwater Management for New Development and Redevelopment

15.6.1 Purpose and Intent.

The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the City of Stockbridge is required to comply with several state and federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

15.6.2 Definitions.

For this chapter, the terms below shall have the following meanings:

"Administrator" means the person appointed to administer, implement, and enforce the provisions of this chapter in accordance with Section 15.4.4.

"Applicant" means a person submitting a land development application for approval.

"Best management practice (BMP)" means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

"BMP landscaping plan" means a design for vegetation and landscaping that is critical to the performance and function of the BMP, including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Detention" means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

"Detention facility" means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

"Development" means new development or redevelopment.

"Extended detention" means the storage of stormwater runoff for an extended period of time.

"Extreme flood protection" means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years or more.

"Flooding" means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

"GSMM" means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its appendices.

"Hotspot" means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the industrial stormwater general permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

"Impervious surface" means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

"Industrial stormwater general permit" means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies onsite pollution control strategies based on Standard Industrial Classification (SIC) Code.

"Infiltration" means the process of percolating stormwater runoff into the subsoil.

"Inspection and maintenance agreement" means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

"Land development application" means the application for a land development permit on a form provided by the City of Stockbridge along with the supporting documentation required in Section 15.6.10.

"Land development permit" means the authorization necessary to begin construction-related, land-disturbing activity.

"Land disturbing activity" means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described [in] O.C.G.A. § 12-7-17(5) or silvicultural activities as described [in] O.C.G.A. § 12-7-17(6) within areas zoned for these activities.

"Linear feasibility program" means a feasibility program developed by the City of Stockbridge and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when it would be infeasible to implement stormwater management standards for linear transportation projects being constructed by the City of Stockbridge, other local governments, or state agencies.

"Linear transportation projects" means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

"MS4 permit" means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City of Stockbridge's municipal separate storm sewer system.

"New development" means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

"Nonpoint source pollution" means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

"Overbank flood protection" means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, county or other political subdivision of the state, any interstate body or any other legal entity.

"Post-construction stormwater management" means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

"Post-development" means the conditions anticipated to exist on site immediately after completion of the proposed development.

"Practicability policy" means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

"Pre-development" means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

"Pre-development hydrology" means:

1. For new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and

2. For redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

"Previously developed site" means a site that has been altered by paving, construction, and/or land disturbing activity.

"Redevelopment" means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

"Routine maintenance" means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

"Runoff." See definition for "stormwater runoff."

"Site" means an area of land where development is planned, which may include all or portions of one (1) or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

"Stormwater concept plan" means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

"Stormwater management plan" means a plan for post-construction stormwater management at the site that meets the requirements of Section 15.6.8.D and is included as part of the land development application.

"Stormwater management standards" means those standards set forth in Section 15.6.7.

"Stormwater management system" means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

"Stormwater runoff" means flow along the surface of the ground, resulting from precipitation.

"Subdivision" means the division of a tract or parcel of land resulting in one (1) or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this chapter shall be interpreted based on how such terms are defined and used in the GSMM and the City of Stockbridge's MS4 permit.

15.6.3 Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

A. In implementing this chapter, the City of Stockbridge shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

B. This chapter is not intended to modify or repeal any other chapter, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of Stockbridge's MS4 permit and this chapter, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this chapter and the GSMM, the provision from this chapter shall control. In the event of any other conflict or inconsistency between any provision of this chapter and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

C. If any provision of this chapter is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this chapter.

15.6.4 Designation of Administrator.

The City manager of the City of Stockbridge or designee may from time to time appoint an administrator to administer, implement, and enforce this chapter.

15.6.5 Applicability Criteria for Stormwater Management Standards.

This chapter applies to the following activities:

A. New development that creates or adds five thousand (5,000) square feet or greater of new impervious surface area or that involves land disturbing activity of one (1) acre of land or greater;

B. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces five thousand (5,000) square feet or greater of new impervious surface area or that involves land disturbing activity of one (1) acre or more;

C. New development and redevelopment if:

1. Such new development or redevelopment is part of a subdivision or other common plan of development; and

2. The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the thresholds in A and B above;

D. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this chapter; and

E. Linear transportation projects that exceed the thresholds in A and B above.

15.6.6 Exemptions from Stormwater Management Standards.

This chapter does not apply to the following activities:

A. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;

B. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;

C. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;

D. Repairs to any stormwater management system deemed necessary by the administrator;

E. Agricultural practices as described O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Section 16.6.5.A. or B;

F. Silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Section 15.6.5.A. or B;

G. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

H. Linear transportation projects being constructed by the City of Stockbridge, other local governments, or state agencies to the extent the administrator determines that the

stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the City of Stockbridge's linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

15.6.7 Stormwater Management Standards.

Subject to the applicability criteria in Sections 15.6.5 and exemptions in Section 15.6.6, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM 2.2.2.2:

A. Design of Stormwater Management System. The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as administered by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

B. Natural Resources Inventory. Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the stormwater management plan, shall include, at a minimum (as applicable):

1. Topography (minimum of two-feet contours) and steep slopes (i.e., areas with slopes greater than fifteen percent (15%);
2. Natural drainage divides and patterns;
3. Natural drainage features (e.g., swales, basins, depressional areas);
4. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;
5. Predominant soils (including erodible soils and karst areas); and
6. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

C. Better Site Design Practices for Stormwater Management. Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM 2.3.

D. Stormwater Runoff Reduction/Water Quality. Stormwater runoff reduction/water quality shall be provided by using the following:

1. For development with a stormwater management plan submitted before December 6, 2020, the applicant may choose either:
    a. Runoff reduction; or

b. Water quality.

2. For development with a stormwater management plan submitted on or after December 6, 2020, the applicant shall choose (a) runoff reduction and additional water quality shall not be required. To the extent (a) runoff reduction has been determined to be infeasible for all or a portion of the site using the practicability policy, then (b) water quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least eighty percent (80%) of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

   a. Runoff Reduction. The stormwater management system shall be designed to retain the first one (1) inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

   b. Water Quality. The stormwater management system shall be designed to remove at least eighty percent (80%) of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

3. If a site is determined to be a hotspot as detailed in Section 15.6.5, the City of Stockbridge may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

E. Stream Channel Protection. Stream channel protection shall be provided by using all of the following three (3) approaches:

1. Twenty-four-hour extended detention storage of the one-year, twenty-four-hour return frequency storm event;

2. Erosion prevention measures, such as energy dissipation and velocity control; and

3. Preservation of any applicable stream buffer.

F. Overbank Flood Protection. Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the twenty-five-year, twenty-four-hour storm event.

G. Extreme Flood Protection. Extreme flood protection shall be provided by controlling and/or safely conveying the one-hundred-year, twenty-four-hour storm event such that flooding and other damage are not exacerbated.

H. Downstream Analysis. Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises ten percent (10%) of the total drainage area in accordance with GSMM 3.1.9. This is to help ensure that there are minimal downstream

impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

I. Stormwater Management System Inspection and Maintenance. The components of the stormwater management system that will not be dedicated to and accepted by the City of Stockbridge, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the onsite stormwater management system. This plan shall be written in accordance with the requirements in Section 15.6.16.

15.6.8 Pre-submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

A. Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of Stockbridge. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM 2.4.2.4) or the stormwater concept plan (GSMM 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of Stockbridge when applying for a determination of infeasibility through the practicability policy.

B. The stormwater concept plan shall be prepared using the minimum following steps:

1. Develop the site layout using better site design techniques, as applicable (GSMM 2.3).
2. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff reduction/water quality, channel protection, overbank flooding protection and extreme flood protection (GSMM 2.2).
3. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM 4.1).

C. The stormwater concept plan shall contain:

1. Common address and legal description of the site;
2. Vicinity map; and
3. Existing conditions and proposed site layout mapping and plans (recommended scale of one (1) inch equals fifty (50) feet), which illustrate at a minimum:
    a. Existing and proposed topography (minimum of two-foot contours);
    b. Perennial and intermittent streams;

c. Mapping of predominant soils from USDA soil surveys;

d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading;

e. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.);

f. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;

g. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;

h. Preliminary estimates of unified stormwater sizing criteria requirements;

i. Preliminary selection and location, size, and limits of disturbance of proposed BMPs;

j. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

k. Flow paths;

l. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage; and

m. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

D. The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered professional engineer or a registered landscape architect licensed in the state of Georgia. Items 3., 4., 5., and 6. shall be sealed and signed by a registered professional engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the state of Georgia for such purpose (GSMM 2.4.2.7).

1. Natural resources inventory.

2. Stormwater concept plan.

3. Existing conditions hydrologic analysis.

4. Post-development hydrologic analysis.

5. Stormwater management system.

6. Downstream analysis.

7. Erosion and sedimentation control plan.

8. BMP landscaping plan.

9. Inspection and maintenance agreement.

10. Evidence of acquisition of applicable local and non-local permits.

11. Determination of infeasibility (if applicable).

E. For redevelopment, and to the extent existing stormwater management structures are being used to meet stormwater management standards, the following must also be included in the stormwater management plan for existing stormwater management structures:

1. As-built drawings.

2. Hydrology reports.

3. Current inspection of existing stormwater management structures with deficiencies noted.

4. BMP landscaping plans.

15.6.9 Application Fee.

The fee for review of any land development application shall be based on the fee structure established by the City of Stockbridge, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

15.6.10 Application Procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Section 15.5.4. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

A. File a land development application with the City of Stockbridge with the following supporting materials:

1. The stormwater management plan prepared in accordance Section 15.6.8.D;

2. A certification that the development will be performed in accordance with the stormwater management plan once approved;

3. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy; and

4. An acknowledgement that applicant has reviewed the City of Stockbridge's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

B. The Director shall inform the applicant whether the application and supporting materials are approved or disapproved.

C. If the application or supporting materials are disapproved, the Director shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

D. If the application and supporting materials are approved, the City of Stockbridge may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

15.6.11 Compliance with the Approved Stormwater Management Plan.

All development shall be:

A. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits; and

B. Conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

15.6.12 Inspections to Ensure Plan Compliance During Construction.

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the City of Stockbridge or conducted and certified by a professional engineer who has been approved by the City of Stockbridge. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

A. The date and location of the inspection;

B. Whether the stormwater management system is in compliance with the approved stormwater management plan;

C. Variations from the approved stormwater management plan; and

D. Any other variations or violations of the conditions of the approved stormwater management plan.

15.6.13 Final Inspection; As-built Drawings; Delivery of Inspection and Maintenance Agreement.

Upon completion of the development, the applicant is responsible for:

A. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis;

B. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer;

C. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan; and

D. Delivering to the City of Stockbridge a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part A. shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the City of Stockbridge with the request for a final inspection. The City of Stockbridge shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

15.6.14 Violations and Enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Section 16.5.4. To address a violation of this chapter, the City of Stockbridge shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in Section 15.5.5(A) Inspection and Enforcement of LDP and 15.5.6 Penalties and Incentives for violations of LDP process.

15.6.15 Maintenance by Owner of Stormwater Management Systems Predating Current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

15.6.16 Inspection and Maintenance Agreements.

A. The owner shall execute an inspection and maintenance agreement with the City of Stockbridge obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the City of Stockbridge. After the inspection and maintenance agreement has been signed by the owner and the City of Stockbridge, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

B. The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the City of Stockbridge. Upon any sale or transfer of the site, the new owner

shall notify the City of Stockbridge in writing within thirty (30) days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following thirty (30) days' notice, constitute a failure to maintain the stormwater management system.

C. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

1. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the City of Stockbridge.

2. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

15.6.17 Right-of-entry for Maintenance Inspections.

The terms of the inspection and maintenance agreement shall provide for the City of Stockbridge's right-of-entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City of Stockbridge shall have the right to enter and make.

15.6.18 Owner's Failure to Maintain the Stormwater Management System.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City of Stockbridge. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

A. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations; and

B. To address such a failure to maintain the stormwater management system, the City of Stockbridge shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

15.7 Stormwater Management

15.7.1 Findings.

The City Council makes the following findings:

A. Given the needs, goals, program priorities and funding opportunities identified in the professional engineering and financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use and enhancement of stormwater systems in the City in concert with other water resource management programs.

B. Stormwater management is applicable and needed throughout the corporate limits of Stockbridge.

C. The stormwater needs in the City include, but are not limited to, protecting the public health, safety and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens and residents of Stockbridge in a variety of ways as identified in the professional engineering and financial analysis.

D. The City presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the City, and of additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use and enhance stormwater systems and facilities in Stockbridge in concert with the management of other water resources in the City. In order to do so, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.

15.7.2 Establishment of a Utility and Enterprise Fund.

A. There is hereby established a stormwater management utility within the Stockbridge utility department which shall be responsible for stormwater management throughout the City's corporate limits, and shall provide for the management, protection, control, regulation, use and enhancement of stormwater systems and facilities. Such utility shall be under the direction of a stormwater utility Director.

B. The City manager and City clerk shall establish a stormwater enterprise fund in the City budget and accounting system, separate and apart from its general fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees and licenses as may be established by the City Council. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the stormwater enterprise fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the utility, including capital project construction. No other funds of the City shall be deposited in the stormwater enterprise fund or commingled with dedicated

stormwater revenues, except that other revenues, receipts and resources not accounted for in the stormwater enterprise fund, including, but not limited to, grants, transfers of City funds, loans and bond proceeds may be combined with and applied to stormwater management capital projects as deemed appropriate by the City Council, upon recommendation of the City manager.

C. The City Council hereby transfers to the stormwater utility Director operational control over the existing stormwater management systems and facilities owned and heretofore operated by the City and other related assets, including but not limited to properties upon which such facilities are located, easements, rights-of-entry and access and certain equipment.

15.7.3 Definitions.

"Credit" means a conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by property owner, which system, facility, service or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the site.

"Customers of the stormwater management utility" includes all persons, properties and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities and activities related thereto, and persons, properties and entities which will ultimately be served or benefited as a result of the stormwater management program.

"Detached dwelling unit" means developed land containing one (1) structure which is not attached to another dwelling and which contains one (1) or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one (1) family. Detached dwelling units may include houses, manufactured homes and mobile homes located on one (1) or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings, or the presence of a commercial use within the dwelling unit so long as such use does not result in additional impervious areas such as parking spaces, playgrounds or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship or similar non-residential uses. Detached dwelling unit shall not include developed land containing: structures used primarily for non-residential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes or multiple dwelling unit residential properties.

"Developed land" means all real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

"Duplexes and triplexes" means developed land containing two (2) (duplex) or three (3) (triplex) attached residential dwelling units located on one (1) or more parcels of land.

"Equivalent runoff unit (ERU)" is defined to serve as a reference point for comparing dissimilar properties and attaining an equitable distribution of the cost of services and facilities through a stormwater management service charge. The equivalent runoff unit in Stockbridge has been determined through engineering and analysis to include two (2) primary parameters with the following metrics: (1) One (1) acre of gross area, and (2) two thousand (2,000) square feet of impervious area. These units will be used to determine and compute the service charge for all properties within the City.

"Hydrologic response" of a property is the manner and means whereby stormwater collects, remains, infiltrates and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

"Impervious" means not allowing the passage of water through the surface on the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering as it would under natural conditions. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick- or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

"Multiple dwelling unit residential properties" means developed land whereon four (4) or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, town homes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers and other structures in which four (4) or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands.

"Other developed land" means, but shall not be limited to, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs and water and wastewater treatment plants.

"Service charges" means the periodic rate, fee or charge applicable to a parcel of land, which charge shall be reflective of the service provided by the City stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat rate charges for one (1) or more classes of similarly situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater

management of that property, including but not limited to charges for development plan review, inspection of development projects and on site stormwater control systems and enhanced level of stormwater services above those normally provided by the City.

"Stormwater management systems" includes facilities, operations and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention and treatment of stormwater or surface water drainage.

"Undeveloped land" means land in its unaltered natural state or which has been notified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

15.7.4 Scope of Responsibility for the City Stormwater System.

A. The stormwater management utility shall be responsible for stormwater management throughout the corporate limits of the city government. The utility shall provide for the conservation, management, protection, control, use and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension and improvement of the public stormwater systems to collect, control, convey, store, detain, retain, recharge and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the City to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

B. The City stormwater system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man made, within the political boundaries of the City of Stockbridge which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which: (1) are located within public streets, rights-of-way and easements; (2) are subject to easements, rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for adequate access for operation, maintenance and/or improvement of systems and facilities; or (3) are located on public lands to which the City has adequate access for operation, maintenance and/or improvement of systems and facilities.

C. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities for operation, maintenance and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, or the

homeowner's association in the case of a development, except as that responsibility may be otherwise affected by the laws of the state of Georgia and/or the United States of America. Where no dedication has been made and a private individual, entity or homeowner's association becomes responsible for the maintenance of a facility or pond following the expiration of the developer's four (4) year maintenance bond, an easement in favor of the City shall be required. If, at any time, a responsible party fails to maintain a stormwater facility or pond in the manner contemplated by the City in Chapter 15.6, and specifically Section 15.6.14, then the City will act to maintain the facility or pond in a manner provided for under Chapter 15.6. The private party shall remain responsible for all costs incurred for that maintenance provided by the City. For the purpose of the City's conducting such maintenance activities all final subdivision plats that contemplate stormwater facilities or ponds shall provide for, at minimum, a thirty (30) feet gravel easement from the existing public roadway to the detention facility or pond.

D. It is the intent of the ordinance codified in this chapter to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the City of Stockbridge. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the City as a condition precedent to any activity by or upon property not owned by the City, pursuant to the ordinance codified in this chapter or any other regulatory ordinance, regulation or rule of the City or under federal or state law, the issuance of such permit, plan approval or inspection shal1 not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the City, its officers, employees or agents.

15.7.5 Requirements for On-site Stormwater Systems; Inspections and Enforcement Methods.

A. The appropriate and efficacious management of the stormwater management system by the City on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. All property owners and developers of developed real property within the City shall provide, manage, maintain and operate on-site stormwater systems sufficient to collect, convey, detain and discharge stormwater in a safe manner consistent with all City development regulations and the laws of the state of Georgia and the United States of America following the expiration of any existing maintenance bond by a builder or developer. The City shall have the right, pursuant to the authority of the ordinance codified in this chapter, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance, as well as to conduct maintenance that has not been properly conducted as contemplated by the City's code.

B. Any failure to meet the obligations set forth in this chapter shall constitute a nuisance and be subject to an abatement action filed by the City in the municipal court. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the City may enter upon the property and cause such work as is reasonably necessary to be performed pursuant to the guidelines set out in the City code.

C. The property owners that are serviced by stormwater facilities and the titleholder to the property upon which the stormwater facilities are located shall be responsible for the continued maintenance and payment of all expenses incurred for the operation, maintenance and repair of facilities.

State law reference(s)—Official Code of Georgia § 9-12-81(b).

15.7.6 General Funding Policy.

A. It shall be the policy of the City that funding for the stormwater utility is equitably derived through methods that have demonstrable relationships to the varied demands and costs imposed on the stormwater systems and programs and/or the level of service provided as a result of the provision of stormwater services and facilities.

B. Service charges for stormwater management shall be fair and reasonable and shall bear a substantial relationship to the cost of providing services and facilities. The cost of stormwater services and facilities may include administrative, operating, capital investment, debt service, engineering and planning and reserve expenses, and may also include related regulatory expenses associated with watershed management requirements. Properties shall be charged rentals, rates, charges, fees or licenses in proportion to their related cost of service impact.

C. Service charge rates shall be designed to be consistent and coordinated with the use of other funding methods employed for stormwater management by the City, whether within or outside the stormwater utility, including but not limited to plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements, impact fees, system development charges and special assessments.

15.7.7 Effective Date of Stormwater Charges.

Stormwater service charges shall accrue beginning January 1, 2022, and shall be billed periodically thereafter to customers, except as specific exemptions and credits may apply.

15.7.8 Stormwater Management Utility Service Charges.

A. There are hereby established stormwater management utility service charges that shall be billed to all properties in the Stockbridge service area, except as specific exemptions or credits may allow for in the ordinance codified in this chapter or shall allow in future ordinances or amendments to this chapter. The stormwater management utility service charges may, but are not required to, include a service rate charge applied to each property. The service rate charge, if applied, shall be related generally to the amount and quality of runoff discharged to the public stormwater systems and

stormwater receiving waters and to the costs of services associated with stormwater management. The service charge may also include a base rate charge for certain costs of service common to all stormwater management accounts, and/or special service charges to persons, entities or properties that require services and/or facilities not commonly needed by all persons, entities or properties.

B. The service rate charge, if applied, shall be reflective of the cost of providing services and facilities to properly control storm-water runoff quantity and quality. The three (3) most important factors in the City's present cost of providing stormwater management services and facilities to individual properties are: (1) the size of each property; (2) the amount of impervious area on each property; and (3) the number of parcels in the service area.

C. A base rate charge, if applied, shall be structured to recover those stormwater management costs of service that are not related to the size of individual properties or the amount of impervious area on individual properties, and may include, but are not limited to, the cost of billing and accounting for service charges to each account and other administrative and overhead expenses.

D. Special service charges, if applied, shall be structured to recover the cost of providing to certain persons, entities and properties types or levels of stormwater management services that are not commonly required by all stormwater service charge ratepayers. Such services may include, but are not limited to, private development plan review and inspection, site inspections to verify the operational condition of on-site stormwater management systems, such as private detention/retention and conveyance facilities, monitoring and mitigative activities related to conditions on individual properties that impact water quality and actions to abate conditions on private properties that do not comply with adopted City standards and/or that interfere with proper stormwater management and have been determined to constitute a public nuisance.

E. The professional engineering and management analysis conducted for the City determined that properties within the City service area classified as single-family residential property can be equitably and fairly charged based on a two-tier (2) grouping according to the number of ERU's and parcel area. This method greatly simplified the computation of charges and reduces significantly the costs associated with individually unique parcel measurements. Tier 1 properties in this class are all parcels up to ten thousand (10,000) square feet in size; Tier 2 properties are parcels greater than ten thousand (10,000) square feet in size. Tier 1 parcels are assessed one (1) ERU, and Tier 2 parcels are assessed two (2) ERU's. The Mayor and City Council hereby adopt these values as representative of the conditions of single-family residential property in Stockbridge. These values shall serve as the basis on which service rate charges will be calculated. Each single-family residential property shall be billed a stormwater service rate charge for the number of ERU's and the whole number of acres of parcel area. Tier 1 and Tier 2 parcels are assigned an acreage charge based on the actual acreage to the next whole integer.

F. Properties classified as nonresidential shall be billed on the basis of the number of ERU's and acres calculated to exist. Each acre or fraction thereof and ERU or fraction thereof shall be charged a service rate charge at the rate per ERU of impervious area and each acre unit as defined below.

G. The method of calculating the service rate charge for all properties shall be as follows:

Parcel Fee = (IR) × (ERU' s) + (AR) × (AU) + (AF)

IR is the impervious area rate as established by this chapter or by amendment to this chapter. It is applied to the number of ERU's rounded to the next whole number. An ERU is defined as two thousand (2,000) square feet of impervious area.

AR is the gross area rate as established by this chapter or by amendment to this chapter. It is applied to the number of acre units (AU's) in the parcel rounded to the next whole acre.

AF is the administrative cost factor established by this chapter or by amendment to this chapter. The AF is applied as a fixed uniform flat charge to each parcel.

H. The annual IR per ERU for the service rate charge applicable to each property shall be fifteen dollars and seventy cents ($15.70) unless modified to equitably account for special conditions on an individual property, adjusted for a particular property through the appeal process specified in this chapter, or changed hereafter by ordinance.

I. The annual AR per AU for the service rate charge applicable to each property shall be zero dollars ($0.00) unless modified to equitably account for special conditions on an individual property, adjusted for a particular property through the appeal process specified in this chapter, or changed hereafter by ordinance.

J. The annual base rate charge AF per ach billed account shall be three dollars and sixty-six cents ($3.66) unless changed hereafter by ordinance.

15.7.9 Exemptions and Credits Applicable to Stormwater Service Charges.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exception, credit, offset or other reduction in stormwater service charges shall be granted based on the age, tax or economic status, race or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities. A stormwater utility service charge credit technical manual will be prepared by the City's consulting engineers specifying the design and performance standards of on-site systems, facilities, activities and services which quality application of a service charge credit, and how such credits shall be calculated. This manual will be separately approved by the City Council and, by reference, incorporated herein.

A. Undeveloped land as defined in this chapter shall be exempt from stormwater service charges.

B. Developed land other than individual detached dwelling units, including but not limited to multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public streets, roads, alleys and byways, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs and water and wastewater treatment plants may receive a stormwater service charge credit. The stormwater service charge credit

shall be determined based on the technical requirements and standards contained in the stormwater utility service charge credit technical manual. The stormwater service charge credit may be up to one hundred percent (100%) of the service charge applicable to a property, and shall be proportional to the extent that on-site systems, facilities, services and activities provided, operated and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.

C. Groups of detached dwelling units represented by an incorporated homeowner's association providing on-site systems, facilities, services or activities which reduce or mitigate the stormwater utility's cost of providing services and facilities may receive a stormwater service charge credit. The stormwater service charge credit shall be determined based on the technical requirements and standards contained in the stormwater utility service charge credit technical manual. The stormwater service charge credit available to groups of detached dwelling units may be up to one hundred percent (100%) of the service charge applicable to the individual properties, and shall be proportional to the extent that on site systems, facilities, services and activities provided, operated and maintained by the homeowners association reduce or mitigate the stormwater utility's cost of providing services and facilities.

D. Any credit allowed against the service charge is conditioned on continuing compliance with the City's design and performance standards as stated in the stormwater utility service charge credit technical manual and/or upon continuing the provision of the systems, facilities, services and activities provided, operated and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the City at any time for noncompliance.

E. In addition to the foregoing credits based upon the design and performance of on-site systems, an educational credit shall be available to all public and private schools or school systems which agree to teach the WATER WISE program, an environmental science curriculum approved by the Georgia Department of Education, in grades one (1) through twelve (12). The educational credit may be up to fifty percent (50%) of the service charge applicable to a school property, and shall be proportional to the extent the approved curriculum is taught. Educational credits may be taken in conjunction with any other credit available under this section. The superintendent of schools shall certify annually to the stormwater utility Director, before August 1, the extent to which the curriculum was taught.

15.7.10 Stormwater Service Charge Billing, Delinquencies, Collections.

A. Stormwater management utility service charges shall be billed and collected in the manner and at the interval deemed most efficient by the City and shall be payable in accordance with the rules and regulations of the City finance department as applied generally to all bills. A stormwater service charge bill may be sent through the United States mail or by an alternate means notifying the customer of the amount of the bill, the date the payment is due and the past due date. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land, as shown from public land records of Henry County, shall be ultimately obligated to pay such fee. If a customer is under billed or if no bill is sent,

the City may back bill for a period of up to one (1) year, but shall not assess penalties for any delinquency. A one and one-half percent (1.5%) per month late charge shall be billed based on the unpaid balance of any stormwater management utility service charge that becomes delinquent.

B. The stormwater service charge may be billed on a common statement and collected with other utility services through separate bills or any other method by which the City could bill property owners.

C. Any stormwater management utility service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the City.

D. In addition to any other remedies or penalties provided by the ordinance codified in this chapter or any other ordinance of the City, failure to pay any utility service charge when billed in conjunction with another utility bill may result in a discontinuance of any or all other utility services provided by the City or by other with whom contractual agreements provide for discontinuance of service for nonpayment. The owner of each property, building, premises, lot or house shall be obligated to pay such fee, which shall be enforceable by the City by action at law or equity.

E. No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

F. Suits for collection shall be commenced by the City in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Henry County, Georgia. If a suit is instituted by the City for collection, the owner shall pay court costs, litigation expenses and reasonable attorney's fees incurred by the City.

G. If suit is instituted for the collection of any fees due hereunder or for the enforcement of the provisions of this chapter, the owner shall pay the court costs, litigation expenses and reasonable attorney's fees associated therewith.

15.7.11 Appeals.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

A. An appeal must be filed in writing with the City stormwater utility Director within thirty (30) days of the action causing the appeal. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

B. Based on the information provided, a technical review shall be conducted by the stormwater utility Director of the stormwater management utility and a written determination will be issued within thirty (30) days of receipt of the appeal stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment. The written decision will be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant, or by email, sent to the email address of the appellant provided in the appeal.

C. In response to an appeal, the stormwater utility Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

D. A decision of the stormwater utility Director which is adverse to an appellant may be further appealed to the City manager within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City manager by the appellant, personally or by registered or certified mail, sent to the City Manager of the City of Stockbridge at the business address of the City, stating the grounds for the appeal. The City manager shall issue a written decision on the appeal within thirty (30) days of receipt of the appeal. All decisions of the City manager shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant, or by email, sent to the email address of the appellant provided in the appeal.

E. If the person or entity seeking adjustment or relief from the service charge desires, the decision of the City manager may be appealed in writing to the Mayor and City Council. Such appeals must be made within thirty (30) days of the decision of the City manager and include a written basis for the appeal. The decision of the Mayor and City Council shall be made within sixty (60) days of the submission of appeal by the applicant.

F. This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Henry County must be filed within thirty (30) days of the decision of the Mayor and City Council.

G. Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record or delivered by or by email to the email address of the appellant provided in the appeal.

15.8 Illicit Discharge and Illegal Connection

15.8.1 General Provisions.

A. Purpose and Intent.

The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City's separate storm sewer system to the maximum extent practicable as required by federal law. This chapter establishes methods for controlling the introduction of pollutants into the City's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to:

1. Regulate the contribution of pollutants to the City's separate storm sewer system by any person;

2. Prohibit illicit discharges and illegal connections to the City's separate storm sewer system;

3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City's separate storm sewer system; and

4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the provisions of this chapter.

B. Applicability.

The provisions of this chapter shall apply throughout the municipal boundaries of the City and to all discharges entering the City's storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

C. Compatibility with Other Regulations.

This chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of the ordinance codified in this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of the ordinance codified in this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

D. Responsibility for Administration.

The authorized enforcement agency shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employment of the agency.

15.8.2 Definitions.

"Accidental discharge" means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

"Authorized enforcement agency" means employees or designees of the City manager designated to enforce the provisions of this chapter.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

"City's separate storm sewer system" means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man made or altered drainage channels, reservoirs and other drainage structures, and which is:

1. Owned or maintained by the City;

2. Not a combined sewer; and

3. Not part of a publicly-owned treatment works.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Construction activity" means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

"Hazardous materials" means any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Illicit discharge" means any direct or indirect non-stormwater discharge to the City's separate storm sewer system, except as exempted in Section 16.8.3 of this chapter.

"Illegal connection" means either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system, regardless or whether such pipe, open channel, drain or conveyance has been previously allowed, permitted or approved by an authorized enforcement agency; or

2. Any pipe, open channel, drain or conveyance connected to the City's separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

"Industrial activity" means activities subject to NPDES Industrial Permits as defined in CFR 40, Section 122.26(b)(14).

"National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit" means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

"Person" means, except to the extent exempted from this chapter, any individual, partnership, organization, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, county or other political subdivision of the

state, any interstate body or any other entity recognized by law and acting as either the owner or as the owner's agent.

"Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; petroleum hydrocarbons; oil and other automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction of a building or structure; concrete and cement and noxious or offensive matter of any kind.

"Pollution" means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare or environment, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Premises" means any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"State waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state of Georgia which are not entirely confined and retained completely upon the property of a single person.

"Storm drainage system" means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs and other drainage structures.

"Stormwater runoff" or "stormwater" means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

"Structural stormwater control" means a structural stormwater management facility or device that controls stormwater runoff and charges the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

"Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man made, which gathers or carries surface water.

"Waters of the United States" or "waters of the U.S." means:

1. All waters which are currently used, were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1 through 4 of this definition;
6. The territorial sea; and
7. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

15.8.3 Prohibitions.

A. Prohibition of Illicit Discharges.

No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the City's separate storm sewer system any pollutants or waters that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing when performed by a governmental agency or other potable water sources,

landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated—typically less than one (1) PPM chlorine), fire fighting activities and any other water source not containing pollutants;

2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test; and

4. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of Illegal Connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the City's separate storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

2. A person violates this chapter if the person connects a line conveying sewage to the City's separate storm sewer system, or allows such a connection to continue.

3. Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the sanitation department.

4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the authorized enforcement agency requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the authorized enforcement agency.

15.8.4 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES Stormwater Discharge Permit shall comply with the provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the authorized enforcement agency prior to allowing discharges to the City's separate storm sewer system.

15.8.5 Access and Inspection of Properties and Facilities.

A. Applicability.

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The authorized enforcement agency shall be permitted to enter and inspect facilities at reasonable times subject to regulation under the provisions of this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to a low access to representatives of the authorized enforcement agency.

2. Facility owners or operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, photographing, videotaping, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

3. The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The authorized enforce agency has the right to require the discharger to install monitoring equipment as necessary and make the monitoring data available to the authorized enforcement agency at the owner or operator's own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

6. Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the

operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose or conducting any activity authorized or required by this chapter.

7. If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

15.8.6 Notification of Accidental Discharges and Spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City's separate storm sewer system, state waters, or waters of the United States that person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the effects of the discharge.

B. The person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three (3) business days of the phone call or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. That person shall also take immediate steps to ensure no recurrence of the discharge or spill.

C. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

D. Failure to provide notification of a release as provided above is a violation of the provisions of this chapter.

15.8.7 Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices.

The authorized enforcement agency will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contaminations of stormwater, the storm drain system, state waters or waters of the United States. The owner or operator

of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the City's separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

15.8.8 Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

15.8.9 Violations, Enforcement and Penalties.

A. Violations.

1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

2. In the event the violation constitutes an immediate danger to public health or public safety, the authorized enforcement agency is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The authorized enforcement agency is authorized to seek costs of the abatement as outlined in subsection E of this section.

B. Notice of Violation.

Whenever the authorized enforcement agency finds that a violation of this chapter has occurred, the authorized enforcement agency may order compliance by written notice of violation that will be served on the alleged violator personally or by registered or certified mail, sent to the billing address of the alleged violator, or by email, sent to the email address of the alleged violator.

1. The notice of violation shall contain:

   a. The name and address of the alleged violator;

b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;

c. A statement specifying the nature of the violation;

d A description of the remedial measures necessary to restore compliance with the ordinance codified in this chapter and a time schedule for the completion of such remedial action;

e. A statement that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense shall be charged to the violator;

f. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,

g. A statement that the determination of violation may be appealed to the authorized enforcement agency by filing a written notice of appeal within thirty (30) days of service of notice of violation.

2. Such notice may require without limitation:

a. The performance of monitoring, analyses and reporting;

b. The elimination of illicit discharges and illegal connections;

c. That violating discharges, practices or operations shall cease and desist;

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

e. Payment of costs to cover administrative and abatement costs; and,

f. The implementation of pollution prevention practices.

C. Appeal of Notice of Violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the authorized enforcement agency within thirty (30) days from the date of the notice of violation. Hearing on the appeal before the Mayor and City Council shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Mayor and City Council shall be final.

D. Enforcement of Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the Mayor and City Council upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person,

owner, agent or person in possession of any such property to refuse to allow the authorized enforcement agency or designated contractor to enter upon the property for the purposes set forth above.

E. Costs of Abatement of the Violation.

After abatement of the violation, the owner of the property will be notified in writing of the cost of abatement, including administrative costs within thirty (30) days. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of notice, or if an appeal is taken, within thirty (30) days after a decision on the appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this chapter shall become liable to the City by reason of such violation.

F. Civil Penalties.

1. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period of time as designated in the notice of violation by the authorized enforcement agency as they shall deem appropriate, after the authorized enforcement agency has taken one or more of the actions described above, the authorized enforcement agency may impose a penalty not to exceed one thousand dollars ($1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

2. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated, or continues to violate, the provisions of this chapter, the authorized enforcement agency may petition the court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

3. Compensatory Action.

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

G. Criminal Penalties.

Any person violating the terms of this chapter shall be punished in municipal court. Each day the violation continues shall be considered a separate offense.

H. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's

expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

I. Remedies Not Exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

15.8.10 Ultimate Responsibility.

The standards set forth in this chapter and promulgated pursuant to the ordinance codified in this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants.

15.8.11 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

15.8.12 Adoption of Ordinance.

The ordinance codified in this chapter shall be in full force and effect after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

15.9 Floodplain Management/ Flood Damage Prevention

15.9.1 Findings of Fact.

A. The flood hazard areas of the City of Stockbridge are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

C. Effective floodplain management and flood hazard protection activities can (1) protect human life and health; (2) minimize damage to private property; (3) minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

D. Article IX, Section II of the Constitution of the state of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Stockbridge, Georgia, does ordain this chapter and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

15.9.2 Purpose and Intent.

The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

A. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

B. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;

C. Control filling, grading, dredging and other development which may increase flood damage or erosion;

D. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

E. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and

F. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

15.9.3 Definitions.

As used in this chapter:

“Addition” means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the appointed official's interpretation of any provision of this chapter.

“Area of future-conditions flood hazard” means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future conditions flood).

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three

feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" means the land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also known as the one hundred (100) year flood.

"Base flood elevation" means the highest water surface elevation anticipated at any given location during the base flood.

"Basement" means any area of a building having its floor subgrade below ground level on all sides.

"Building" has the same meaning as “Structure”.

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Existing construction" means any structure for which the start of construction commenced before June 2, 1987.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 2, 1987.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" or "FIRM" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" or "FIS" means the official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

"Floodplain" or “Flood-prone Area” means any land area susceptible to flooding.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Future-conditions flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the one hundred (100) year future-conditions flood.

"Future-conditions Flood Elevation" means the highest water surface elevation anticipated at any given location during the future-conditions flood.

"Future-conditions floodplain" means any land area susceptible to flooding by the future-conditions flood.

"Future-conditions hydrology" means the flood discharges associated with projected land use conditions based on a community's zoning map, comprehensive land use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this chapter.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a “mobile home” regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term does not include a “recreational vehicle.”

"Mean Sea Level" means the datum to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

"New construction" means any structure (see definition) for which the start of construction commenced after June 2, 1987, and includes any subsequent improvements to the structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 2, 1987.

"Owner" means the legal or beneficial owner of a site including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Permit" means the permit issued by the department designated by the City Council to the applicant which is required prior to undertaking any development activity.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Site" means the parcel of land being developed, or the portion thereof on which the development project is located.

"Start of construction" means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: Accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Subdivision" means the division of a tract or parcel of land resulting in one (1) or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure prior to the improvement. The market value of the building means: (1) the appraised value of the structure prior to the start of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

"Substantially improved existing manufactured home park or subdivision" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

15.9.4 Applicability.

This chapter shall be applicable to all areas of special flood hazard within the City of Stockbridge.

15.9.5 Designation of Ordinance Administrator.

The official designated by the Mayor and City Council is appointed to administer and implement the provisions of this chapter.

15.9.6 Basis for Area of Special Flood Hazard, Areas of Future-conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies.

For the purposes of defining and determining “Areas of Special Flood Hazard,” “Areas of Future-conditions Flood Hazard,” “Areas of Shallow Flooding,” “Base Flood Elevations,” “Floodplains,” “Floodways,” “Future-conditions Flood Elevations,” “Future-conditions Floodplains,” potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this ordinance, the following documents and sources may be used for such purposes and are adopted by reference thereto:

A. The Flood Insurance Study ("FIS"), dated March 3, 1976, with accompanying maps and other supporting data and any revision thereto are adopted by reference. (For those land areas acquired by a municipality through annexation, the current effective FIS and data for Henry County, dated November 2, 1983, with accompanying maps and other supporting data and any revision thereto are adopted by reference.)

B. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the one hundred (100) year floodplain and flood-prone areas include:

1. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to the City of Stockbridge; or

2. Any base flood study authored by a registered professional engineer in the state of Georgia which has been prepared by the Federal Emergency Management Agency ("FEMA") approved

methodology and approved by the department designated by the Henry County Board of Commissioners.

C. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

1. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the City of Stockbridge; or

2. Any future-conditions flood study authored by a registered professional engineer in the state of Georgia which has been prepared by FEMA-approved methodology and approved by the department designated by the Henry County Board of Commissioners.

D. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the department designated by the Henry County Board of Commissioners.

15.9.7 Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Stockbridge or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.9.8 Permit Procedures and Requirements.

No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future conditions flood hazard is located without first meeting the requirements of this chapter prior to commencing the proposed activity.

Unless specifically excluded by this chapter, any landowner or developer desiring a permit for a development activity shall submit to the department designated by the Henry County Board of Commissioners a permit application on a form provided by such department for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this chapter.

15.9.9 Floodplain Management Plan Requirements.

An application for a development project with any area of special flood hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

A. Site plan drawn to scale, which includes, but is not limited to:

1. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment,
2. For all proposed structures, spot ground elevations at building corners and twenty-foot (20') or smaller intervals along the foundation footprint, or one foot (1') contour elevations throughout the building site,
3. Proposed locations of water supply, sanitary sewer, and utilities,
4. Proposed locations of drainage and stormwater management facilities,
5. Proposed grading plan,
6. Base flood elevations and future-conditions flood elevations,
7. Boundaries of the base flood floodplain and future-conditions floodplain,
8. If applicable, the location of the floodway, and
9. Certification of the above by a registered professional engineer or surveyor;

B. Building and foundation design detail, including but not limited to:

1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures,
2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed,
3. Certification that any proposed nonresidential floodproofed structure meets the criteria in Section 15.9.19.B of this chapter,
4. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 15.9.18.E of this chapter, and
5. Design plans certified by a registered professional engineer or architect for all proposed structure(s);

C. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

D. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

E. Copies of all applicable State and Federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and

F. All appropriate certifications required under this chapter.

The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

15.9.10 Construction Stage Submittal Requirements.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the department designated by the City a certified as-built elevation certificate or floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, such certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The department designated by the Henry County Board of Commissioners shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required by this chapter shall be caused to issue a stop-work order for the project.

15.9.11 Duties and Responsibilities of the Administrator.

Duties of the official designated by the City to administer this chapter shall include, but shall not be limited to:

A. Review all development applications and permits to assure that the requirements of this chapter have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

B. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;

C. When base flood elevation data or floodway data have not been provided, then the official designated by the City and/or his designee shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of subsections D and E of this section;

D. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;

E. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;

F. When floodproofing is utilized for a nonresidential structure, the official designated by the Henry County Board of Commissioners and/or his designee shall obtain certification of design criteria from a registered professional engineer or architect;

G. Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

H. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), the official designated by the Henry County Board of Commissioners and/or his designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and

I. All records pertaining to the provisions of this chapter shall be maintained in the department designated by the Henry County Board of Commissioners and shall be open for public inspection.

J. Coordinate all FIRM revisions with the GA DNR and FEMA; and

K. Review variance applications and make recommendations to the appointed board.

15.9.12 Definition of Floodplain Boundaries.

A. Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

B. For all streams with a drainage area of one hundred (100) acres or greater, the future-conditions flood elevations shall be provided by the department designated by the Henry County Board of Commissioners. If future-conditions elevation data is not available from the department designated by the Henry County Board of Commissioners, then it shall be determined by a registered professional engineer using a method approved by FEMA and the department designated by the Henry County Board of Commissioners.

15.9.13 Standards for Development.

The width of a floodway shall be determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of one hundred (100) acres or greater, the regulatory floodway shall be provided by the department designated by the City. If floodway data is not available from the department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the department designated by the City.

15.9.14 General Standards.

A. No development shall be allowed within the future-conditions floodplain that could result in any of the following:

1. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

2. Reducing the base flood or future-conditions flood storage capacity;

3. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or

4. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

B. Any development within the future-conditions floodplain allowed under subsection (B)(1) of this section shall also meet the following conditions:

1. Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-conditions flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;

2. Cut areas shall be stabilized and graded to a slope of no less than two percent (2%);

3. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

4. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 16.9.15 of this chapter;

5. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and

6. Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision ("CLOMR") or Conditional Letter of Map Amendment ("CLOMA"), whichever is applicable. The CLOMR submittal shall be subject to approval by the department designated by the Henry County Board of Commissioners using the community consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the

responsibility of the applicant. Within six (6) months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision ("LOMR").

15.9.15 Engineering Study Requirements for Floodplain Encroachments.

An engineering study is required, as appropriate, to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 15.9.21 of this chapter apply. This study shall be prepared by a currently registered professional engineer in the state of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the department designated by the Henry County Board of Commissioners prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

A. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

B. Step-backwater analysis, using a FEMA-approved methodology and approved by the department designated by the City. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;

C. Floodplain storage calculations based on cross-sections (at least one (1) every one hundred feet (100')) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development; and

D. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

15.9.16 Floodway Encroachments.

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

A. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection B of this section;

B. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths

during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and

C. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the department designated by the Henry County Board of Commissioners until an affirmative Conditional Letter of Map Revision ("CLOMR") is issued by FEMA and no-rise certification is approved by the department designated by the Henry County Board of Commissioners.

15.9.17 Maintenance Requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The department designated by the City may direct the property owner (at no cost to the City of Stockbridge) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the department designated by the Henry County Board of Commissioners.

15.9.18 Provisions for Flood Damage Reduction.

In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:

A. New construction of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 15.9.14, 16.9.15, and 15.9.16 of this chapter have been met.

B. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.

C. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.

D. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.

E. Elevated Buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

   a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding,

   b. The bottom of all openings shall be no higher than one foot (1') above grade, and

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;

2. So as not to violate the "lowest floor" criteria of this chapter, the unfinished and flood-resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

F. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet (3') above the base flood elevation or one foot (1') above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding.

G. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

H. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City of Stockbridge to reduce exposure to flood hazards.

I. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

J. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

K. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.

L. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

M. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

N. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this ordinance; and

O. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:

1. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;

2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage shall be provided to reduce exposure to flood hazards.

15.9.19 Building Standards for Structures and Buildings within the Future-conditions Floodplain.

The following provisions, in addition to those in Section 15.9.18 of this chapter, shall apply:

A. Residential Buildings.

1. New Construction. New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter have been met. If all of the requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet (3') above the base flood elevation or one foot (1') above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 15.9.14, 15.9.15, and 15.9.16 of this chapter

2. Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three feet (3') above the base flood elevation or one foot (1') above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 15.9.14, 15.9.15, and 15.9.16 of this chapter.

B. Non-residential Buildings.

1. New Construction. New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter have been met. If all of the requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.9.18.E of this chapter. New construction that has met all of the requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot (1') above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A

registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the department designated by the Henry County Board of Commissioners using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

2. Substantial Improvements. Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones, may be authorized by the Director and/or his designee to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.9.18.E of this chapter. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot (1') above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the department designated by the City and/or its designee using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

C. Accessory Structures and Facilities. Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 15.9.14, 15.9.15, and 15.9.16 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Section 15.9.18.E of this chapter and be anchored to prevent flotation, collapse or lateral movement of the structure.

D. Standards for Recreational Vehicles. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

2. The recreational vehicle must meet all the requirements for residential buildings-substantial improvements (subsection A.2 of this section), including the anchoring and elevation requirements.

E. Standards for Manufactured Homes.

1. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 15.9.14, 15.9.15, and 15.9.16 of this chapter have been met. If all of the requirements of Sections 15.9.14, 16.9.15, and 15.9.16 of this chapter have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.9.18.E of this chapter.

2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

   a. The lowest floor of the manufactured home is elevated no lower than three feet (3') above the level of the base flood elevation, or one foot (1') above the future-conditions flood elevation, whichever is higher; or

   b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than thirty-six inches (36") in height above grade.

3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 16.9.18.G of this chapter.

15.9.20 Building Standards for Structures and Buildings Authorized Adjacent to the Future-conditions Floodplain.

A. Residential Buildings. For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet (3') above the base flood elevation or one foot (1') above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.9.18.E of this chapter.

B. Nonresidential Buildings. For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot (1') above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 15.9.18.E of this chapter. Non-residential buildings may be floodproofed in lieu of elevation.

15.9.21 Building Standards for Residential Single-lot Developments on Streams without Established Base Flood Elevations and/or Floodway (A zones).

For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the official designated by the Henry County Board of Commissioners and/or his designee shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this chapter.

If data are not available from any of these sources, the following provisions shall apply:

A. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet (50′) from the top of the bank of the stream, whichever is greater; and

B. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3′) above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 16.9.18.E of this chapter.

15.9.22 Building Standards for Areas of Shallow Flooding (AO zones).

Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1′—3′) above ground, with no clearly defined channel. In these areas, the following provisions apply:

A. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot (1′) above the flood depth number in feet specified on the Flood Insurance Rate Map ("FIRM"), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3′) above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 15.9.18.E of this chapter;

B. New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot (1′) above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the official designated by the Henry County Board of

Commissioners and/or his designee using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and

C. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

15.9.23 Standards for Subdivisions of Land.

A. All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein and provide base flood elevation data and future-conditions flood elevation data.

B. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required.

C. All subdivision plans will provide the elevations of proposed structures in accordance with Section 15.9.09 of this chapter.

D. All subdivision proposals shall be consistent with the need to minimize flood damage.

E. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters.

F. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Stockbridge to reduce potential exposure to flood hazards.

15.9.24 Variance Procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this chapter.

A. Requests for variances from the requirements of this chapter shall be submitted to the department designated by the City. All such requests shall be heard and decided in accordance with procedures to be published in writing by the department designated by the City. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

B. Any person adversely affected by any decision of the department designated by the City shall have the right to appeal such decision in accordance with procedures to be published in writing by the Mayor and City Council. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

C. Any person aggrieved by the decision of the Mayor and City Council may appeal such decision to the Superior Court of Henry County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

E. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

F. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

G. In reviewing such requests, the department designated by the City shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this chapter.

H. Conditions for Variances.

1. A variance shall be issued only when there is:

   a. A finding of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship; and

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

2. The provisions of this chapter are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

3. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property and that such costs may be as high as $25 for each $100 of insurance coverage provided.

4. The department designated by the City shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

I. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the department designated by the Henry County Board of Commissioners shall deem necessary to the consideration of the request.

J. Upon consideration of the factors listed above and the purposes of this chapter, the department designated by the City may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this chapter.

K. Variances shall not be issued "after the fact."

15.9.25 Violations, Enforcement and Penalties.

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

15.9.26 Notice of Violation.

If the department designated by the City and/or its designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person by serving them personally or by registered or certified mail, sent to the address of the applicant or other responsible person, or by email, sent to the email address of the applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site by serving them personally or by registered or certified mail, sent to the address of the owner or other responsible person, or by email, sent to the email address of the owner or other responsible person.

The notice of violation shall contain:

4. The name and address of the owner or the applicant or the responsible person;
5. The address or other description of the site upon which the violation is occurring;
6. A statement specifying the nature of the violation;
7. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
8. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
9. A statement that the determination of violation may be appealed as prescribed by the Henry County Board of Commissioners by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient).

15.9.27 Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the department designated by the City shall first notify the applicant or other responsible person in writing of its intended action, by serving them personally or by registered or certified mail, sent to the address of the applicant or other responsible person, or by email, sent to the email address of the applicant or other responsible person, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the department designated by the City may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties:

A. Stop-work Order. The department designated by the City may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

B. Withhold Certificate of Occupancy. The department designated by the City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

C. Suspension, Revocation or Modification of Permit. The department designated by the City may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the department designated by the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

D. Civil Penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the department designated by the City shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) after the department designated by the City has taken one (1) or more of the actions described above,

such department may impose a penalty not to exceed one thousand dollars ($1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

E. Criminal Penalties. For intentional and flagrant violations of this chapter, the department designated by the City may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City of Stockbridge to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

15.9.28 Compatibility with Other Regulations.

The ordinance codified in this chapter is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

TITLE 16: INFRASTRUCTURE IMPROVEMENTS

16.1 Generally.

A. No person shall do any paving work, or any other related or similar roadwork, on, or adjacent to, a city road without a permit.

B. All transportation system design, street design, and construction for nonlocal roadways shall comply with Georgia Department of Transportation (GDOT) requirements. The latest edition of the GDOT manual, "Standard Specifications, Construction of Roads and Bridges," shall apply.

C. Where conflict arises between GDOT standards and this section concerning non-local roadways the stricter standard shall apply. Design of local roadways shall be governed by the policies as stated within the UDC; however, construction methods/practices of said roadways shall be governed by the stricter of the GDOT standards and the UDC.

D. All materials, equipment, labor, and other matters related to street construction shall be provided by the applicant. The following is a summary of the improvements required:

1. All streets, roads, and alleys shall be graded to their full width right-of-way by the applicant so that the pavements and sidewalks, when installed in the future, can be constructed on the same level plane. The preparation of the right-of-way before grading is started and the construction of cuts and fills shall be accomplished according to the specifications of the City

2. Three (3) copies of an as-built subgrade centerline profile shall be submitted to the City. The profile shall include both proposed and as-built centerline elevations at every even station. No curb and gutter or waterlines shall be installed prior to subgrade approval.

3. An adequate drainage system, including necessary curb, pipes, culverts, headwalls, intersectional drains, drop inlets, bridges, swale ditches, and detention areas, shall be provided for the proper drainage of all surface water. The drainage system shall be designed by a registered professional engineer, licensed in the State of Georgia.

4. After preparation of the subgrade, the roadbed shall have base material and paving applied according to City specifications (see Section 16.6).

E. Roadways may be created by:

1. Dedication;

2. Prescription;

3. Express grant of an easement;

4. Deed;

5. Special statutory proceeding; or

6. Condemnation.

F. City roadways classification:

1. **Private road.**

a. A private road is a roadway that is created by an easement from a landowner to a certain individual or individuals and the use of said road can be controlled by the parties to the easement.

b. Only one (1) building permit shall be issued by a private easement roadway.

c. A private roadway shall not be maintained by the City.

2. **Public road.**

a. A paved public roadway is a roadway where the general public has acquired an implied easement for a roadway over the property of others by virtue of the unobstructed use of said roadway for a sufficient length of time to establish a public easement over the roadway. Public roadways are roadways over which the public has the right to travel but have not been accepted by the City Council as city roads and the City assumes no responsibility to maintain said roadways.

b. An unpaved public roadway with rights-of-way of sixty (60) feet or greater is used for the general public purpose and is maintained by the City consistent with the maintenance policy developed by the City.

c. An unpaved public roadway with deeded rights-of-way of fifty (50) feet or greater but less than sixty (60) feet is used for the general public purpose and was deeded to the City at a time when a fifty (50) foot right-of-way was sufficient according to the ordinances in effect in the City at the time of acceptance. These roadways shall be maintained by the county consistent with the maintenance policy developed by the City.

d. An unpaved public roadway with rights-of-way less than sixty (60) feet is used for the general public purpose and is maintained by the City in accordance with the maintenance policy developed by the City but shall not be maintained to the same standard as roads categorized in Section 16.4.I hereof, because of insufficient rights-of-way. These roads shall be upgraded to Section 16.4.I as rights-of-way of sixty (60) feet or greater and deeded to the City of Stockbridge by adjoining landowners.

3. **City road.** A city roadway is one that has been acquired by dedication, prescription, by the express grant of easement, by deed, by statutory proceedings, or by condemnation, and further has been accepted by the City Council and designated as a "city road" and the City has assumed the responsibility to maintain said road for the general public.

G. Upon compliance with all of the provisions of the UDC, building permits may be issued for building on public roads upon the applicant signing a "statement of understanding" that said

roadway is a public road and that the City assumes no responsibility for the maintenance of said road until such time as it becomes feasible and advisable to accept said roadway as a "city road." The City at such time shall accept said road as a city road provided that the property owners along said road convey a right-or-way to the City conveying the minimum width required by the City.

H. Upon compliance with the provisions of this UDC, building permits may be issued on city roads.

16.2 Traffic Impact Studies (TIS).

A. **Purpose and intent.** Understanding the demands placed on the City's transportation network by development is an important dimension of assessing the overall impacts of development. All development generates traffic, and it may generate enough traffic to create congestion and thus require the community to invest more capital funds into the transportation network in the form of new roads, traffic signals, and intersection improvements. Traffic congestion results in a number of problems, including economic costs due to delayed travel times, air pollution, and accidents. By requiring traffic impact studies for proposed developments meeting certain thresholds, the City will be better able to determine the transportation demands of development proposals and provide for reduction of adverse impacts on the transportation system.

B. **Objectives.** The City finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:

1. To foster and support the coordinated and comprehensive transportation plan.
2. Provide transportation investments that reinforce the land use plans and development vision of the City
3. Forecast additional traffic associated with new development based on accepted practices.
4. Determine the improvements that are necessary to accommodate new development.
5. Allow the city government to asses the impacts that a proposed development may have and assist the city government in making decisions regarding development proposals.
6. Help so ensure safe and reasonable traffic conditions on streets after the development is complete.
7. Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
8. Protect the substantial public investment in the street system.
9. Provide information relevant to comprehensive planning, transportation planning, and future transit planning, and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access, and other transportation system considerations.

C. **Thresholds of applicability**. A traffic impact study shall be required for all developments that are expected to generate more than one hundred (100) new trips during an a.m. or p.m. peak hour or more than seven hundred fifty (750) new trips in an average day or involves the construction of fifty thousand (50,000) square feet or greater of nonresidential building space, in single or multiple phases. Developments of regional impact (DRIs) are exempt from the aforementioned criteria. All DRIs shall adhere to the guidelines set forth by the Georgia Department of Community Affairs (DCA). The traffic study shall be prepared in accordance with industry accepted standards, including at a minimum level of service impacts for adjacent roadways and intersections and a mitigation package to address the cumulative effects from the project's impact. Said applicant shall be also required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state, and local agencies including the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC). The determination of a traffic study shall be made during the zoning request stage or during the phase in which a site plan is submitted for a land disturbance permit. The Director or his/her designee shall notify the appropriate departments within five (5) business days. Traffic impact studies shall be required for submittal during the land disturbance stage and shall not be required during the zoning process.

D. **Exemptions.**

1. A traffic impact study is not required if a development proposal is initiated by the City.
2. Any development of regional impact (DRIs) the complies with the rules of the Georgia Department of Community Affairs (DCA), the Atlanta Regional Commission (ARC), and Georgia Regional Transportation Authority (GRTA) shall be exempt from this ordinance.
3. A traffic impact study will not be required by the City for those developments with frontage and access along a state route.

E. **Trip generation data.** The source for trip generation rates for the purposes of this ordinance shall be the most recent edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE), unless otherwise approved by the Director. Determinations of whether this ordinance applies shall be made based on application of data from ITE Trip Generation, which may change from time to time, or as otherwise approved by the Director.

F. **Determination of applicability.** At the time a development proposal is filed, or during any pre-application meeting for zoning proposal, exclusive of variances and modifications to a zoning condition, the Director shall determine whether a traffic impact study shall be required according to this section.

Applicants for development proposals shall provide sufficient information about the development proposal (e.g., number of dwelling units, square footage of buildings, number of employees, land area of the development, etc.) for the Director to apply professionally accepted trip generation rates to the proposed development. All traffic studies shall be required to be submitted before the issuance of any development permits, including, but not limited to, a land disturbance, clearing and grading, building permit, and/or development permit.

G. **Cases where data is not available.** If information submitted by the applicant of the development proposal is sufficient to calculate the trip generation that would be expected to result from the proposed development, but trip generation rates or other data are not available or in sufficient quantity of studies to make a determination of applicability, then under the terms of this section, the following shall apply:

1. The Director shall determine if:

   a. Professionally acceptable trip generation rates applicable to the subject development exist from other reputable sources, such as the Journal of the Institute of Transportation Engineers;

   b. Other trip generations studies of similar development are available: or

   c. Professionally acceptable trip generation rates for one (1) or more similar land uses can be used in making the determination of applicability.

H. **Specifications for peak-hour trip generation studies.**

1. **Discounting of "pass-by" trips.** The peak-hour trip generation study may subtract from the empirical data on actual vehicle trips if those trips are reasonably considered to be "pass-by" trips as defined by this ordinance, using professionally accepted assumptions about the percent of "pass-by" trips approved by the Director.

2. **Reduction for internal trips in multiuse or mixed-use development.** In calculating the new trips generated from a proposed development containing multiple uses or mixed-use a qualified professional with the approval of the Director my apply a percentage reduction to the total vehicle trips shown in any peak hour trip generation study to account for internal trips, as defined in this ordinance, so as to account for (discount) the number of internal trips reasonably expected to occur in such multiuse or mixed-use development. Said reduction shall not exceed twenty-four (24) percent of total trips generated.

I. **Study scope meeting.** Once it is determined that a traffic impact study is required, a scope meeting must be held with the developer or his or her consultant and the appropriate representatives of the City. It will be the responsibility of the developer or his or her consultant to initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact studies.

J. **Required contents of a traffic impact study.** A traffic impact study must evaluate the adequacy of the existing transportation system to serve the proposed development and determine the expected effects of the proposed development on the transportation system. The traffic impact study must provide adequate information for City staff to evaluate the development proposal and, when appropriate, recommend conditions of approval.

The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with City staff and staff from other jurisdictions, as appropriate, to ensure that all necessary components are included in the traffic impact study and to reduce revision and

review time. To be reviewed, the traffic impact study must include the following minimum components:

1. **Title page.** A title page listing the name of the proposed development and its location.
2. **Table of contents.** A table of contents outlining the study shall be provided.
3. **Certification.** The study shall be signed and stamped by a qualified professional.
4. **Executive summary.** An executive summary discussing the development, the major findings of the analysis, and recommendations made by the qualified professional shall be provided.
5. **Vicinity map.** A vicinity map showing the location of the proposed project in relation to the transportation system of the area.
6. **Study area map.** A map of the traffic impact study area. For the purposes of this ordinance, the traffic impact study area shall be determined according to trip generation rates as follows. In the event there is a difference because of applying peak and total trips, the more restrictive requirement (larger study area) shall apply.

Study Area Size Requirements

Peak Hour Trips Generated	Daily Trips Generated	Distance From Perimeter of Proposed Development Along Roads
100—150	750—1,500	½ mile
151—500	1,501—5,000	1 mile
501—1,000	5,001—10,000	2 miles
1,001 or more	10,001 or more	3 miles

7. **Inventory of transportation facilities in the study area.** A description of transportation facilities in the study area, including roadway names, locations, and functional classifications, intersection lane configurations, traffic control (including signal timing), existing rights-of-way, transit routes and stops (if any), pedestrian and bicycle facilities, and planned transportation system improvements. An existing lane configuration sketch shall be submitted for all roadways intersections within the study area.
8. **Site plan and development data.** A complete description of the proposed development, including a site plan with the best available information as to the nature and size of each proposed used and the proposed location and traffic control of all proposed access points, including the distance from all proposed access points to adjacent access and/or streets, including those across a street right-of-way from the subject development.

9. **Existing traffic volumes.** Peak and total daily traffic volumes on all arterial, collector, and local streets within the study area. Traffic counts should be no more than one (1) year old when the report is prepared. Traffic counts between one (1) and three (3) years old may be used if factored to the current year. Traffic counts older than three (3) years will not be accepted. Utilizing available data from an industry accepted source, i.e., Georgia Department of Transportation, Henry County Department of Transportation, City of Stockbridge, or Atlanta Regional Commission.
10. **Facility performance.** Existing performance of the transportation system, including levels of service (LOS) and volume/capacity ratios (V/C) for all intersections and road segments, as appropriate, within the study area. Identification of any project related improvements necessary to mitigate the impact on the level of service (LOS) for the abutting roadways and unsignalized/signalized intersection resultant from the trips generated by the proposal.
11. **Trip generation.** Complete trip generation figures for all aspects of the proposed development. The source for trip generation rates shall be most recent edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE), unless otherwise approved by the Director. If phased development is proposed, the study shall include projections for the year that each phase of the development is planned to be complete. The traffic impact study shall also include trip generation data for any pending and approved developments that would affect the study area. The City staff shall facilitate the review of applicable files by a qualified professional to determine the names and development characteristics of pending and approved developments in the study area.
12. **Trip distribution and assignment.** Trip distribution for the proposed development. For developments expected to generate more than thirty (30) truck trips per day, the study shall include separate trip distribution figures for trucks.
13. **Forecast performance without the development.** Forecast performance, including levels of service (LOS) and volume/capacity (V/C) ratios of the transportation system without the development in the year that each phase is planned to be complete and in the horizon year.
14. **Forecast traffic volumes with the development.** Forecast traffic volumes with the development, on all arterial, collector, and local roads within the study area, in the year that the proposed development is planned to commence and in the horizon year.
15. **Forecast performance with the development.** Forecast performance, including levels of service (LOS) and volume/capacity (V/C) ratios of the transportation system with the development in the year that each phase is planned to be complete and in the horizon year.
16. **Sight distance.** A safety analysis of the site accesses and an assessment whether adequate sight distances are provided at driveways and streets abutting the development.
17. **Operational characteristics.** Analysis of prevailing operating speeds, if significantly different than speed limits, right and left turn lane warrants, queue lengths, acceleration and deceleration lanes including lengths and tapers, throat lengths, channelization, and other characteristics of the site accesses, which exist and may be needed, as appropriate. The traffic impact study shall address whether driveways and intersections are located and spaced safely and designed to accommodate expected traffic volumes and maneuvers. The operational characteristics analysis shall also evaluate the turning and traveling

characteristics of the vehicles that will be using the proposed development and the adequacy of the geometrics of the existing and proposed roadway (public and/or private) configurations to accommodate these characteristics.

18. **On-site circulation.** The traffic impact study shall address whether on-site vehicular and pedestrian circulation and parking layouts are safe and efficient.
19. **Significant impacts.** Analysis as appropriate of any potential adverse or controversial effects of the proposed development on the transportation system in the area. Examples of possible effects include, but are not limited to, infiltration of nonresidential traffic into residential neighborhoods, traffic noise, creation of potential for traffic violations, conflicting turning movements with other driveways, any new pedestrian or bicycle transportation needs arising from the development, etc.
20. **Mitigation measures and costs.** Listing of all intersections and road segments that are forecasted to be level of service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a level of service "C" or other City adopted level of service for said road segment or intersection. Should the proposed development reduce the level of service, mitigation factors must be included and will be included as a condition of final plat approval. If roadway improvements are needed, the study shall show a drawing at an engineering scale of one (1) inch equals twenty (20) feet for all recommended lane configurations. If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact study. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of one (1) inch equals twenty (20) feet detailing the signal design and phasing plans. The estimated cost associated with implementing all such mitigation measures shall be provided in the traffic impact study. The traffic impact study may consider any city/county/state-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.
21. **Alternative transportation.** Alternative transportation (sidewalk, bicycle, transit) needed because of the study, shall be identified.
22. **References.** A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
23. **Technical appendix.** Relevant technical information, including but not limited to, copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, warrant worksheets for signals, turn lanes, and signal phasing, etc. used in the analysis.

K. **Additional technical specifications.** The Director is further authorized to promulgate and require the use of additional technical specifications for conducting traffic impact studies, which shall be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, and/or Traffic Access and Impact Studies for Site

Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time-to-time.

L. **Costs and fees.** The City assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. There shall be no application review fee for a traffic impact study.

M. **Submittal and review of study.** The applicant for the proposed development or the qualified professional shall submit one (1) electronic copy of the traffic impact study and technical appendix, three (3) paper copies of the traffic impact study, and one (1) paper copy of the technical appendix to the Director. The Director shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent, and fully explained. The conclusions presented in the traffic impact study shall be consistent with and supported by the data, calculations, and analyses in the report. Calculations, graphs, tables, data, and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, the Director shall return the traffic impact study to the development applicant for correction.

N. **System improvements.** The Director shall include system improvement recommendations in the conditions for approval of the development plan.

16.3 Access Requirements.

A. **Requirements for connection to existing street system.**

1. All proposed development shall provide a street system that is connected to the existing or planned street system. All proposed streets shall be continuous and in alignment with existing, planned, or platted streets.

2. Proposed streets shall be extended to the boundary lines of the tract to be developed or subdivided, unless prevented by topography or other physical conditions.

3 Whenever a subdivider divides a parcel where one half of a road or alley exists on the adjacent parcel, the subdivider shall dedicate the other half of the road or alley such that together there will be sufficient right-of-way for the street or alley.

B. **Frontage on a state highway or arterial street.**

1. When a tract fronts on a state highway, major arterial, or minor arterial street, a frontage street may be required for access to individual lots.

2. All residential lots in a subdivision shall only take direct access from within the subdivision.

3. Any access to a state highway shall be consistent with the requirements of the GDOT.

C. No approval shall be granted for a subdivision, or subsequent phase or addition to an existing subdivision, unless the property is served by a paved county road, with right-of-way sufficient to meet the requirements of Section 17.4.I.

D. **Specific access requirements for developments.**

1. Emergency vehicle access shall be provided to all lots within a subdivision.

2. In order to ensure emergency vehicle access, every subdivision with more than fifty (50) lots shall have at least two (2) continuously open points of ingress/egress from the existing street system.

3. Access points, whether private commercial/industrial drives or city or county roadways, shall line up directly across from one another when possible. For driveways/roadways that require an offset, the spacing between drives/roadways, whether on the same side or opposite side of the intersecting roadway shall be required to have the minimum centerline to centerline spacing:

Posted Speed Limit	Spacing Required
Up to 30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

For intersecting roadways that are not classified as collector or above and have posted speed limits thirty (30) mph or less, private commercial/industrial driveways may be allowed to have a reduced offset requirement at the City or Henry County Department of Transportation's discretion.

4. Where a subdivision is providing two (2) or more connections to the existing street system pursuant to Section 16.3.D.2, the requirement for two (2) points of ingress/egress is met. The requirement for access shall not be satisfied by a stub-out to a future, planned, or platted street that has not been constructed.

5. A subdivision on a single, dead-end street, containing twenty (20) or fewer lots shall not be required to provide two (2) points of ingress/egress as otherwise required in paragraph D.2., above.

6. Where a subdivision is allowed one (1) point of access pursuant to Section 16.3.D.2, that entrance street shall be designed with a three (3) lane divided entrance street. The right turn lane shall be required to have a seventy-five (75) foot radius to provide needed lateral separation between two (2) cars exiting at the same time.

E. **Limitations on residential curb cuts.** Within any residential zoning district (see Section 16.3.D.3. for other driveway spacing requirements) where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

1. Any parcel of property with frontage of less than one hundred (100) feet on any one (1) street shall be allowed only one (1) combined entrance and exit.
2. Any parcel of property with frontage of one hundred (100) feet to two hundred (200) feet on any one (1) street shall be allowed no more than two (2) combined entrances and exits.
3. Any parcel of property with frontage of more than two hundred (200) feet on any one (1) street shall be permitted additional entrances or exits after showing of actual requirements of convenience and necessity and upon approval of the City
4. At street intersections, no curb cut shall be located within fifty (50) feet of the intersections of two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines extended.
5. The distance between any two (2) curb cuts on the same side of the street and located on one (1) property shall be not less than ten (10) feet. Curb cut distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.
6. All driveways shall be constructed to be at least two (2) feet from any property line.
7. The maximum width of any driveway shall not exceed forty (40) feet measured at the right-of-way line.
8. The maximum width of any curb cut including curb returns shall not exceed fifty (50) feet.
9. The sum of the two (2) curb return radii for any one (1) curb cut shall not exceed fifteen (15) feet.

16.4 Design and Construction Standards for Streets.

A. **Location.**

1. The location, arrangement, extent, width, and grade of all streets shall conform to the comprehensive plan and the comprehensive transportation plan and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and proposed use of land to be served by the streets. The layout of a subdivision shall conform to the requirements and design principles described in this UDC.
2. The location of all streets and roads shall conform to the comprehensive plan and the comprehensive transportation plan. Provision shall be made in developments for the construction of streets at locations shown in the comprehensive plan and comprehensive transportation plan.

3. Whenever a tract to be subdivided includes any part of a major arterial, minor arterial, major collector, or minor collector street designated on the comprehensive plan or comprehensive transportation plan, such part of said street shall be installed by the applicant in the location and at the full width indicated by the functional classification for right-of-way and pavement widths indicated in this UDC.

B. **Design and construction standards for curb and gutter.**

1. Curbs shall be required in all residential subdivisions.

2. Curbs shall be required for streets in commercial and industrial subdivisions.

3. Curbs in all subdivisions shall be L-back curbs twenty-eight (28) inches in overall width, six (6) inches thick, and shall have an eighteen (18) inch gutter.

4. Curb and gutter immediately adjacent to the major travel lane along roadways with a posted speed limit of forty (40) miles per hour or forty-five (45) miles per hour shall be L-back curbs thirty (30) inches in overall width, six (6) inches thick, and shall have an eighteen (18) inch gutter. The curb and gutter shall be per GDOT Standard 9032B.

5. All curbs shall be constructed of Portland cement concrete.

6. Curbs shall be designed to provide handicapped access at street intersections, wherever sidewalks are constructed.

C. **Street grade standards.**

1. Grades on major and minor arterials shall not exceed five (5) percent and grades on local residential streets shall not exceed twelve (12) percent.

2. All changes in grade shall be connected by vertical curves which adhere to the design criteria as set forth by the more restrictive of the 1990 or 2004 AASHTO Guide, A Policy on Geometric Design of Highways and Streets.

D. **Radius of horizontal curves.** The radius of horizontal curves on local residential streets within a subdivision shall be no less than two hundred (200) feet. The horizontal radius for collector and arterial streets or any streets with a design speed of more than twenty-five (25) miles per hour shall comply with the latest version of the American Association of State Highway and Transportation Officials (AASHTO) standards. The radius of horizontal curves on local commercial and industrial streets within a subdivision shall be no less than three hundred (300) feet.

E. **Street intersection standards.**

1. Street intersections shall be as nearly at right angles as possible.

2. In residential subdivisions, no intersection shall be at an angle of less than eighty (80) degrees or more than one hundred (100) degrees.

3. Street intersections in commercial and industrial subdivisions shall be at an angle of no less than ninety (90) degrees, if at all possible. At the Director's discretion, street intersection angle may be allowed to be between eighty (80) degrees and one hundred (100) degrees.

4. The minimum curb radius at street intersections shall not be less than twenty-five (25) feet in residential subdivisions. For streets/roadways to have a dual lane exit, the exit curb radius shall not be less than seventy-five (75) feet. Where a county collector or an arterial roadway intersects with another county collector or arterial roadway the minimum radii at the intersection shall be fifty (50) feet.

5. The minimum curb radius of street intersections for industrial and commercial subdivisions shall be fifty (50) feet. For commercial/industrial streets/roadways to have a dual lane exit, the exit curb radius shall not be less than seventy-five (75) feet.

6. Pedestrian ramps shall be designed for all intersections in accordance with standard drawings for subdivisions and residential developments designed to include sidewalks and shall meet the minimum standards in of the Georgia Accessibility Code, Chapter 120-3-20 of The Rules and Regulations of The Georgia Safety Fire Commissioner. The curb shall be de-pressed to accommodate future installations at the same time as the curb.

7. Interior subdivision street intersections shall have a minimum centerline offset of at least one hundred twenty-five (125) feet when not aligned directly across from one another. See Section 17.3.D.3 for requirements of intersection offsets on roadways with posted speed limits over thirty (30) mph.

F. **Minimum tangent lengths.** The minimum tangent lengths on roadways with superelevation shall be governed by the minimum runoff and runout lengths necessary to adequately transition the superelevation rates required for the curvature based on the design speed and maximum allowable superelevation rate of the roadway. Design speeds, typical sections of roadway, maximum superelevation rates, and other roadway design items are to be set by the City on an individual roadway basis. The minimum tangent lengths on commercial and industrial subdivision streets are one hundred (100) feet.

G. **Dead end street.** Local streets designed to have one (1) end permanently closed and not connected with any existing street, proposed future street, or not intended to extend to the property line of an adjacent tract, shall be no longer than seven (7) times the lot width required by the underlying zoning district, unless necessary due to the topographic or other physical conditions of the property.

1. Permanent dead-end streets shall be joined by a cul-de-sac with a paved turnaround having an outside diameter of eighty (80) feet and a right-of-way of at least one hundred ten (110) feet diameter. Dead-end streets designed to be permanent and that exceed more than eight hundred (800) feet in length may be required to have a cul-de-sac turn around midway between the entrance intersection and the end of the street to provide maneuvering for emergency vehicles, when the dead-end street is the only street in a subdivision.

2. Stub streets which are intended to provide access for future development within a tract of land or adjacent tracts shall be required to have a temporary turnaround area having a diameter of at least eighty (80) feet, consisting of six (6) inches of graded aggregate base.

3. For subdivisions with a temporary turnaround, it shall be required of the applicant to provide a letter of credit equal to the cost of permanent cul-de-sac construction.

H. **Alleys.** Alleys may be provided at the rear of lots in residential, commercial, and industrial subdivisions.

I. **Right-of-way and pavement width standards.**

Right-of-way and Pavement Width Standards

Street Type	Minimum Required Right-of-Way (feet)	Required Pavement Width (feet)	
		With curbs	Without curbs
Major arterial	100*	52—53†	48*
Minor arterial	80*	28—29†	24*
Collector	80*	28—29†	24*
Local street			
Residential	50	28	Prohibited
Industrial	60	30	Prohibited
Commercial	60	28	Prohibited
Cul-de-sac			
Residential	80	80	Prohibited
Commercial/industrial	110	110	Prohibited
Alleys	0	20	20

* The City may require additional right-of-way and pavement widths in specific situations. Roadways with medians and/or additional language will require extra right-of-way and pavement widths.

† Roadways with posted speed limits of forty (40) mph or forty-five (45) mph will require thirty (30) inch curb and gutter.

J. **Additional street system requirements for major subdivisions or commercial/industrial development.**

1. Private streets are permissible and shall meet and adhere to all City standards. Every subdivision with private streets shall have a mandatory homeowners' association.

2. Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street right-of-way requirements.

3. Half streets shall be prohibited except where essential to the reasonable development of the subdivision.

4. Where it is determined to be practical to require the dedication of the additional half when adjoining property is subdivided, the other half of the street shall be platted to create a full width right-of-way serving the adjoining tracts of land.

5. Any subdivision or development which has an entrance onto a state highway, major arterial, minor arterial, or collector city road shall provide lanes for deceleration, ingress, and egress. Design requirements of GDOT shall be met on state roads and design requirements of the City shall be met on city roads.

6. Any subdivision or development which has an entrance onto a major arterial, minor arterial, or collector roadway shall be required to design and construct a left turn lane improvement if the criteria is met as stipulated in Chapter 4 of the GDOT Regulation for Driveway and Encroachment Control. The developer will also be responsible for acquisition of right-of-way as well as for the relocation of utilities.

7. The names of proposed streets shall not duplicate existing street names, irrespective of the use of the word street, avenue, boulevard, drive, place, court, etc., in the naming of the street.

K. **No parking.** No parking areas shall be established for the use of fire equipment and emergency vehicles to ensure access to the premises in cases of emergency. Said areas shall be marked "Fire Lane-No Parking." The fire lane areas shall comply with provisions of the Henry County Code of Public Safety.

16.5 Joint Access.

Joint access driveways and cross access easements. Joint access driveways and cross access easements shall be required in corridor overlay districts, interchange activity center zoning districts, and rural neighborhood commercial development areas according to the following provisions:

A. Adjacent commercial or office properties shall provide a cross access drive and pedestrian access to allow circulation between sites through a system of joint use driveways and cross access easements. The design of the joint or cross access area shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation;
2. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
3. Sufficient separation between side street access to the property and the major road to ensure safety.

B. In order to ensure continuous availability of access to all properties, all property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
2. Record an agreement with the deed that remaining access rights along the thoroughfare shall be dedicated to the City and pre-existing driveways shall be closed and eliminated after construction of the joint-use driveways; and
3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

16.6 Construction Requirements for Residential, Industrial, and Commercial Subdivision Streets.

The grading, base, and pavement for street construction shall be as follows:

A. **Grading.** All streets shall be graded to the elevations shown on the approved construction plans.

1. The contractor may begin clearing and grubbing the project after:
   a. A development permit has been issued by the City;
   b. A pre-construction conference has been held, the Director or designee duly notified; and
   c. All required silt and erosion control measures have been installed and approved.
2. **Clearing and grubbing.**
   a. All trees, stumps, logs, roots, grass, weeds, poles, and other objectionable matter shall be cleared and grubbed from within the construction limits of the project.
   b. A thirty (30) foot undisturbed buffer shall be maintained on all property lines prior to submission of construction plans.
   c. No rubbish or other material resulting from the clearing and grubbing of the roadway shall be buried at the site.
   d. If burning is permitted, all burn pits shall be located outside of the roadway construction limits. After burning, the pit shall be cleared out. A city inspection is required prior to backfilling and must be shown on the final plat.

3. **Excavation.**

   a. All grading operations shall be planned and executed by the contractor in such a manner as to provide suitable subgrade material for the roadway with the top twelve (12) inches compacted to one hundred (100) percent maximum dry density, ninety-five (95) percent below the top.

   b. In areas where the material in place is not suitable for subgrades, these areas shall be undercut a minimum of twelve (12) inches and backfilled with suitable material.

   c. All rock and boulders in the roadbed shall be excavated and the space backfilled to the correct grade with suitable material.

   d. Any stones, broken rock, or boulders resulting from the grading of the roadway may not be placed in any roadway fill area except when approved by Director and then under his/her supervision.

   e. During the construction of the roadway on a day-to-day basis, the roadbed edges shall be kept lower than the center and the grading shall be done so that the surfaces of the excavated areas and fill shall be kept reasonably smooth and well drained. Adequate surface ditches shall be cut at the tops of cut slopes, extending to each end of the cuts in order to carry the water from the side hill. Side ditches or gutters emptying from cuts to fill areas shall be turned outward so as to prevent erosion of the fill slopes.

4. **Placement of fill.**

   a. Fill construction shall not begin until all clearing and grubbing of the fill area has been completed.

   b. All depressions in the ground shall be filled level with the adjacent surface using suitable material and compacted to the approximate density of the surrounding soil before placement of the fill is begun.

   c. The entire area upon which fill is to be placed shall be plowed, scarified, and finely broken up to a depth of a minimum of six (6) inches.

   d. Before the placement of fill material is begun, all loosened soil shall be compacted the approximate density of the underlying soil.

   e. Where a depth of fill and surfacing is three (3) feet or less, the original ground shall be compacted a minimum twelve (12) inches deep to at least ninety-five (95) percent of the maximum laboratory dry density as determined from representative samples of the material being compacted.

   f. In areas where layers of organic or other unstable materials exist, the existing ground shall be excavated, for the full width of the fill area, to an underlying stable material. The subgrade thus created shall then be compacted to the approximate density of the underlying material.

g. All fill material shall be deposited and spread in uniform horizontal layers, no more than six (6) inches thick, for the full width of the fill area, and these layers shall be kept uniform by the use of graders, bulldozers, or other approved equipment.

h. Each layer shall be compacted within the range of optimum moisture content necessary to achieve the compaction required. Material containing too much water shall be dried to the correct moisture content. If the material is too dry, water shall be added and uniformly mixed with the soil before it is compacted.

i. Fills shall be compacted to at least ninety-five (95) percent of the maximum dry density to within the top twelve (12) inches of the fill. The top twelve (12) inches of the fill shall be compacted to at least one hundred (100) percent of the maximum dry density.

j. The entire roadbed shall be scarified and compacted with a sheep's foot or other approved rollers.

k. While the work is in progress, contractor shall maintain the surface in a manner so that the excavation, fills, subgrade, base course, and ditches always present a smooth and even surface.

l. The contractor shall have available on the job at all times at least one (1) motor patrol grader with adequate power to blade and maintain the roadbed.

5. **Final finishing of roadway.**

a. After all excavation has been completed and all fills have been placed, the entire road bed surface shall be finally shaped with a grading machine supplemented with hand work whenever required to secure a smooth surface and uniform cross-section.

b. Slopes of cuts and fills shall also be carefully shaped to the true section specified.

c. When final shaping is finished, the road surface shall conform accurately to the line, grade, and cross section shown of plans, and no roots, sod, grass, stones, or other unsuitable material shall remain in the top twelve (12) inches of the finished roadbed.

d. All ditches and drains shall be opened to effectively drain the roadway.

B. **Placement of curb and gutter.**

1. After sanitary sewer lines have been installed, all storm drainage in place, and the final finishing of the roadway has been approved by the Director or designee, and the centerline profile has been approved, the installation of the concrete curb and gutter may begin.

2. Any curb and gutter which does not conform to a true section, texture, line, and grade shall be removed and replaced as directed by the Director or designee.

3. Water lines shall be installed after installation of the curb and gutter.

C. **Subgrade.**

1. Before placing any pavement base, the entire surface of the subgrade shall be plowed, harrowed, and mixed to a depth of at least six (6) inches. If a subgrade stabilization material is required, then it shall be incorporated into the subgrade at this time.

2. After the material has been thoroughly mixed, the subgrade shall be brought into a proper line and grade and compacted to one hundred (100) percent of maximum dry density just prior to placing the base material.

3. The centerline profile shall conform to the established elevations with an acceptable tolerance of one-half (½) inch.

4. The acceptance crown tolerance shall be one-half (½) inch.

D. **Base construction.**

1. The Director shall be notified twenty-four (24) hours prior to the placing of any base material.

2. The Director may authorize the placing of the base material after all equipment necessary for the proper construction of road base is on the project and the subgrade has been brought to the proper line, grade, and crown and compacted to the required density.

3. The Director shall check the completed base course after the base material has been placed and compacted to the required density. All areas found to be deficient shall be marked and corrected before any asphalt pavement is placed. Areas where the crown is found to exceed that which is specified or the exposed edge of the concrete gutter is less than the minimum depth required, shall be reshaped and rolled to obtain the required cross-section.

4. After the compacted material has been approved, field tests shall be taken by the field contractor and by a professional engineer as directed by the Director to determine the thickness of the constructed base course. Tests shall be taken at four hundred (400) feet intervals alternating between each lane and center of roadway. Measurements shall be taken per GDT-42, Method of Test for Measurement of Thickness of Bases and Subbases. Areas found to be deficient in thickness shall be corrected as directed by the Director or designee. No asphalt course shall be placed until deficiencies in base have been adequately addressed.

5. A copy of all delivery tickets for the graded aggregate base material shall be furnished prior to placing any asphaltic concrete paving material. A shortage in the base material used shall require that the asphaltic concrete surface course thickness be increased.

6. All work and materials shall be in accordance with the pertinent Graded Aggregate Construction sections of the Georgia Department of Transportation "Standard Specifications," latest edition.

E. **Soil cement.**

1. A soil cement base may be used to improve the subgrade but shall not be used as a substitute for base construction.

F. **Paving.**

1. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the Director.

2. All asphaltic concrete material and construction shall be in accordance with the "hot mix asphaltic concrete construction" sections of the Georgia Department of Transportation "Standard Specifications," latest edition.

3. The Director shall check the cross section of the finished pavement. Any area found to be deficient shall be marked and a record of deficiencies made by the Director or designee.

4. If, in the opinion of the Director, the extent of deficiencies will impair the performance of the pavement, he/she shall direct that an overlay of a minimum thickness of one (1) inch be placed before the roadway is opened to traffic.

5. A copy of the delivery tickets for the asphaltic concrete material used shall be furnished to the Director at the time of completion of the work. If the delivery tickets indicate a shortage in the material used from the quantity estimated, then the Director or designee may require a minimum one (1) inch overlay of the streets.

6. As mentioned in Section 16.6.D.4, the base thickness is to be measured and accepted by the City prior to placement of any asphalt course. The applicant shall have core tests made to verify the thickness and compaction of the two (2) inch asphalt pavement course. The minimum core diameter shall be such that compaction of the sample can be determined in the lab and subsequent data supplied to the Director or designee. The compaction of the course shall be required to meet Georgia Department of Transportation (GDOT) specifications per the asphalt mix placed. If a two (2) course asphalt section is required, the cores for the binder layer shall be cut, reviewed, and approved by the Director prior to placement of the topping lift. Also, in the event that a two (2) course asphalt section is required, the cores for the topping lift, if between one and one-half (1½) inch and one and one-quarter (1¼) inch in thickness, shall be made to determine the thickness only. All cores shall be made on four hundred (400) feet intervals, alternating between each lane and center of roadway. If these cores indicate a deficiency in thickness or compaction of the asphalt pavement, an overlay shall be required when the following deficiencies occur:

   a. When the number of cores deficient in thickness within the allowable one-quarter (¼) of an inch tolerance, or deficient in compaction, exceeds thirty-five (35) percent of the total cores taken on one (1) street.

   b. When two (2) or more consecutive tests show a deficiency of more than one-quarter (¼) of an inch allowable tolerance or a deficiency in compaction. When a core shows a deficiency in excess of the allowable tolerance or compaction additional cores shall be taken to delineate the area of the deficient thickness/compaction.

7. The applicant shall correct any deficiency with an overlay extending a minimum of one hundred fifty (150) feet beyond the outer limits of the deficient area for the full width of

the street. Smooth, neat joints shall be saw cut normal to the roadway for full depth of asphalt pavement, removing the original pavement for a minimum of ten (10) feet at each end of the overlay. The thickness of the overlay shall be determined by the depth of the deficient area and shall not be less than one and one-quarter (1¼) inch in compacted thickness. The type of material used in the overlay shall be specified by the Director.

G. **Shoulder and drainage improvements.** After the paving has been inspected and approved, the pavement edges or behind the curb and gutter shall be backfilled and compacted and the ditches and back slopes properly graded, shaped, seeded, and mulched. An eighty (80) percent stand of grass shall be obtained. All swales and ditches excavated below required depth shall be backfilled and compacted to ninety-five (95) percent of maximum dry density.

H. **Compliance with minimum standards.** Road design and construction for residential subdivisions shall comply with the minimum standards shown below in Section 17.6.I. Acceleration and deceleration lane construction shall comply with the standards set forth in Section 17.6.K. For roadways with more than one hundred fifty (150) lots of contributing traffic a pavement design is to be done and submitted to the City for review. The GDOT Asphalt Pavement Design program is an accepted method for the pavement design submittal for roadways with more than one hundred fifty (150) lots of contributing traffic.

I. **Table of residential subdivision street construction standards.**

Residential Subdivision Street Roadway Standards

Roadway Standards	Specifications
Surface topping (plant mix) for roadways with 1 to 40 lots contributing traffic	2-inch 12.5 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard
Surface topping (plant mix) for roadways with 41 to 100 lots contributing traffic	1¼-inch 9.5 mm superpave mix with hydrated lime (Level 1), 137.5 pounds per square yard
Surface topping (plant mix) for roadways with 101 to 150 lots contributing traffic	1½ inch 12.5 mm superpave mix with hydrated lime (Level 1), 165 pounds per square yard
Tack coat	0.04—0.06 GAL/Square yard
Asphalt (binder course) for roadways with 41 to 150 lots contributing traffic	2-inch 12.5 mm superpave mix or 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard

Add in "prime application" section to table	0.20—0.25 GAL/Square yard
Curbs/shoulder and ditch construction	24-inch × 6-inch concrete "L" back curb 18-inch gutter; 6 inches high, 6-inch curb width
Base construction	6-inch base (graded aggregate); 100 percent dry density compaction
Subgrade	Top 12-inch subgrade compacted to 100 percent dry density
Street width	28 feet back of curb to back of curb
Asphalt pavement width	26 feet
Street grade	12 percent maximum on subdivision streets; 4 percent maximum grade at intersections - 100 feet from curb line
Turnaround area	40 feet radius cul-de-sac pavement; 80 feet diameter
Intersections	25 feet pavement radius at intersection within subdivision; 25 feet pavement radius required when intersecting existing county or state roads. 75 [feet] exit curb radius when designing a dual lane exit.
Right-of-way	50 feet right-of-way minimum for local streets (additional right-of-way and/or slope easements may be required for cut and fill areas); 110 feet diameter right-of-way for cul-de-sac. A 5-foot utility easement is required along all street right-of-way
Fill areas and back slopes	2:1 maximum slope allowed (2:1 or flatter)
Storm sewers and cross drains	See Sections 16.12 and 16.13 for pipe specifications and minimum requirements for pipe types listed. Pipe location and size approved by development plan review and stormwater management.
Grassed areas	Shall comply with the erosion and sedimentation control requirements set forth in Section 16.5.
Core testing	Core samples shall be taken as directed (at applicant's expense) to determine thickness of base and pavement. See Sections 16.6.D.4 and 16.6.F.6.

Letter of credit or bond	3-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities. On phased developments, certain sections may require a renewed letter of credit or bond if used for construction access to newer phases.

J. **Design and construction requirements**. The design and construction requirements for subdivision developments for industrial, commercial, or office use and urban streets which are to be city arterial roads shall:

1. Be required to have concrete curb and gutter along each side.
2. Comply with the minimum standards shown below.

K. **Table of industrial, commercial, and office subdivision street construction standards.**

Industrial, Commercial, and Office Subdivision Street Construction Standards

Roadway Standards	Specifications
Surface topping plant mix	1½-inch 12.5 mm superpave mix with hydrated lime (Level 1) asphalt topping, 165 pounds per square yard
Tack coat	0.04 — 0.06 GAL/YD
Binder (office and commercial)	3-inch 19 mm superpave mix with hydrated lime (Level 1) - 330 pounds per square yard
Binder (industrial)	4-inch 25 mm superpave mix with hydrated lime (Level 1), 440 pounds per square yard or 2 2-inch lifts of 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard, per lift.
Curb and gutter required	24 × 6-inch concrete "L" back curb; 18-inch gutter; 6-inch high; 6-inch curb width.
Base construction (office and commercial)	8-inch base (graded aggregate), compacted to 100 percent maximum dry density.

Base construction (industrial)	10-inch base (graded aggregate), compacted to 100 percent maximum dry density. To be on decel/accel also for industrial.
Street width (office and commercial)	28 feet back of curb to back of curb.
Street width (industrial)	30 feet back of curb to back of curb.
Asphalt pavement width (office and commercial)	28 feet.
Asphalt pavement width (industrial)	28 feet.
Street grade	8 percent maximum on industrial/commercial streets; 2 percent maximum grade at intersections; 100 feet from curb line.
Turnaround area	55 feet radius cul-de-sac pavement; 110 feet diameter.
Intersections	50 feet pavement radius at intersections; 50 feet straight section from curved streets required; 75 [feet] exit curb radius when designing a dual lane exit.
Driveway entrances	GDOT specifications
Right-of-way	60 feet right-of-way minimum; additional right-of-way or slope easement may be required for cut and fill areas; 150 feet diameter right-of-way for cul-de-sac. A 5-feet wide utility easement is required along all street right-of-way.
Fill areas and back slopes	2:1 maximum slope allowed.
Storm sewers and cross drains	See Sections 16.12 and 16.13 for pipe specifications and minimum requirements for pipe types listed. Pipe location and size approved by development plan review and stormwater management.
Grassed areas	Shall comply with the erosion and sedimentation control requirements set forth in Section 16.5.
Core testing	Core samples shall be taken as directed (at applicant's expense) to determine thickness of base and pavement. See Sections 16.D.4 and 16.F.6.

Maintenance letter of credit or bond	3-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities. On phased developments, certain sections may require a renewed letter of credit or bond if used for construction access to newer phases.

16.7 Improvements to Existing Streets and Rights-of-Way for Residential, Commercial, and Industrial Developments.

Existing unpaved road. Any unpaved road upon which a development has frontage and access shall be widened and paved, according to the functional class of the road, as set forth in Section 16.4.I along the frontage of the development to the nearest intersection with a paved city road. The minimum right-of-way required according to Section 16.4.I shall be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved. In addition to the design, construction, and right-of-way acquisition, the developer shall also be responsible for relocation of utilities. Where a development has frontage, but does not provide access to an unpaved road, the developer shall preserve right-of-way along the development's frontage for future improvements to the roadway.

16.8 Visibility at Intersections.

A. **Corner lots.** On corner lots within all zoning districts, no fence, shrubbery, or other obstruction shall be placed within the sight line triangles that blocks or disrupts the line of sight based on a driver eye height of three and one-half (3 1/2) feet located fourteen (14) feet from edge of travel lane (when there is a deceleration lane, the driver eye shall be located fourteen (14) feet from the edge of deceleration lane) and an object height of three and one-half (3 1/2) feet located in the center of each respective lane. However, street signs, streetlights, mailboxes, or similar shall be permitted within the sight line triangles.

B. **Intersection sight distance for all streets.**

1. Curb cuts shall be placed so as to provide for the minimum intersection sight distance based on the intersecting road's posted speed limit. The intersection sight distance is measured using a driver-eye height of three and one-half (3 1/2) feet and an object height of three and one half (3 1/2) feet with the driver eye being located fourteen (14) feet beyond the edge of the travel lane (when there is a deceleration lane, the driver eye shall be located fourteen (14) feet from edge of deceleration lane) and an object height of three and one-half (3 1/2) feet located in the center of each respective oncoming lane.

2. Table of minimum intersection sight distances relative to design speed posted on streets are:

Intersection Sight Distance for 2-lane Roadway

Speed (MPH)	25	30	35	40	45	50	55
Stopping sight distance	280	335	390	445	500	555	610

Source: 1990 AASHTO Guide, A Policy on Geometric Design of Highways and Streets.

C. **Stopping sight distance for all streets.**

1. Minimum street centerline stopping sight distance shall be designed relative to the design speed of the street and shall be measured above the street centerline using a driver eye height of three and one-half (3 1/2) feet and an object height of six (6) inches.

2. Table of minimum centerline stopping sight distances relative to design speed posted on streets are:

Stopping Sight Distance

Speed (MPH)	0—25	30	35	40	45	50	55
Centerline sight distance (stopping distance in feet)	150	200	225	275	325	400	450
Minimum crest curve "k" value (1990 AASHTO)	20	30	40	60	80	110	150
Minimum sag curve "k" value (2004 AASHTO)	26	37	49	64	79	96	115

Source: 1990 and 2004 AASHTO Guide, A Policy on Geometric Design of Highways and Streets.

As info concerning the above minimum crest "k" values, where there is an intersecting street on or near the vertical curve, the minimum "k" value may not provide for the minimum intersection sight distance requirement. If this is the case, the "k" value for the crest curve will need to be increased in order to obtain the minimum intersection sight distance required.

16.9 Pedestrian Access and Facilities Requirements.

A. Sidewalks shall be at least four (4) feet in width and four (4) inches in thickness and shall be constructed of Portland cement concrete. Sidewalks shall be installed no closer than two (2) feet to the back of curb line and shall not be constructed over any underground gas, electric, communications, or water and sewer utilities. Sidewalks and curbs, at street intersections, shall

be designed to permit handicapped access. Sidewalks shall be required on both sides of streets within all commercial, industrial, or residential subdivisions and all mixed-use developments.

B. Sidewalks shall be installed by the builder on lots upon which a dwelling is being constructed before the issuance of a certificate of occupancy. All sidewalks along common areas, including pond lots, amenity areas, open space, and lots containing existing homes or lots that are unbuildable, shall be installed by the developer before the end of the three (3) year maintenance period. After the three (3) year maintenance period has expired, any broken curbing and sidewalk will be repaired by the builder before a certificate of occupancy is issued.

C. Twelve (12) months from the completion of at least ninety (90) percent of the dwellings in any subdivision, or phase of any subdivision, the City of Stockbridge reserves the right to install sidewalks along any areas not yet containing sidewalks. The cost of construction and installation shall be repaid to the City of Stockbridge via a lien placed on the adjacent property upon which the sidewalk fronts.

D. The provisions established in this section may be applied to any project currently under review or under bond as of the date of adoption of this Code.

16.10 Street Names and Sign Requirements.

A. **Street names.**

1. All proposed street names within the City for new roads or roads within commercial, industrial, or residential subdivisions shall be approved by the Director during the preliminary plat review process or prior to recording of the road and its right-of-way deed.

2. Any request to change the name of an existing road shall be submitted to the Director for review and approval, with the City Council having final approval of the change.

B. **Street signs.**

1. The Director shall determine the need and location of street signs within a subdivision. The location of the street signs shall be determined during the review of the preliminary plat.

2. The City's standard steel street posts or wooden four (4) inch by four (4) inch posts with horizontal reflectorized street name plates with four (4) inch letters shall be furnished and installed by the City.

3. The cost of street signs and their installation shall be paid by the applicant at a fee determined by the City.

4. The required fee shall be paid by the applicant when submittal of a final plat is made to the City.

16.11 Streetlight and Pedestrian Light Requirements.

A. In order to ensure adequate illumination of public rights-of-way and promote safety and security, The American National Standard Practice for Roadway Lighting of the Illumination

Engineering Society (RP-8-00), as approved by the American National Standards Institute (1993), as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the City.

B. **Approval of lighting plan.**

1. A lighting plan, which may be prepared by the streetlight provider, shall be provided to the Director or designee for the erection, construction, or installation of streetlight and/or pedestrian light fixtures or equipment upon which the illumination thereof falls upon public rights-of-way. This shall include security lights of all kinds and nature. The lighting plan shall illustrate the illumination provided by pedestrian lights. The overlap of pedestrian light illumination and streetlight illumination shall be minimized to such an extent that streetlights may not be required at all in areas where pedestrian lights provide the required illumination without streetlights.

2. Lighting plans shall be submitted with the final plat and any additions.

3. Plans shall demonstrate how the proposed lighting meets the standards of this section and include a drawing showing the exact location of streetlights.

4. No lighting shall be installed or operated without approval of the division director or designee.

C. Streetlight and pedestrian light fixtures or equipment shall be erected, constructed, or installed by the applicant in such a manner to ensure that the lateral light distribution which causes a glare does not inhibit the users of the rights-of-way from safely traversing and using the rights-of-way.

D. **Streetlight and pedestrian light district requirements for new development.**

1. Streetlights shall be provided in new subdivisions where new streets are required to be dedicated to the City or which allow lot access to existing city streets.

2. The developer of residential subdivisions shall install streetlights and pedestrian lights with underground wiring. It shall be the responsibility of the applicant to coordinate the installation of the streetlights and pedestrian lights with the appropriate utility and the City consistent with the standards contained in this UDC.

3. Each property owner shall be assessed a rate based on the total cost of annual lighting charge within the district divided by the number of properties within the district. Unit cost of lighting fixture charges shall be based on fees provided by electric utility companies of both overhead and underground installation.

4. The rates or charges for lighting service shall constitute assessments on the property so served. Those assessments shall be added to tax bills at the end of each year and shall constitute a lien upon the property. Said lien shall have the same priority as tax assessments and an execution may issue for the purpose of enforcing the lien including foreclosure and/or judicial sale.

E. **Streetlight and pedestrian light district requirements in existing residential development.**

1. Individuals owning real property in an existing residential area desiring to install streetlights and/or pedestrian lights may apply with the City to establish a streetlight and pedestrian light district.

2. The application shall be supported by a petition signed by property owners representing more than fifty-one (51) percent of the property owners in the district which is sought to be established.

3. Upon receipt of a complete streetlight application, the Director will contact the utility provider to request a layout, price, and contract, if necessary, for the streetlights. For pedestrian lights, the proposed layout prepared by an engineer licensed in the State of Georgia and the fixture specifications, the unit price, and the contract, if necessary, shall be provided as part of a complete streetlight and pedestrian light district application.

F. Up to three (3) additional streetlights or pedestrian lights may be added to an existing street light district by the Director. If four (4) or more additional streetlights or pedestrian lights are required, the request must follow the procedure in Section 16.11.E.2. above.

16.12 Drainage Standards for Street – Placement, Location, and Design.

A. The size, length, and location of all surface drainage pipe or structures shall be shown on all preliminary plats. All storm drain pipes or culverts carrying stormwater from the street and adjacent property or through lots in the subdivision shall be extended to ten (10) feet from the rear property line. Stormwater shall be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel. The outlet channel shall include structural and vegetative measures to assure nonerosive velocities of stormwater.

B. Installations, backfilling, and compaction around drainage pipes shall be in accordance with Georgia Department of Transportation (GDOT) specifications. All pipes shall have a minimum cover of eighteen (18) inches from the bottom of the road base, and head walls or inlet basins constructed at the ends of the pipes.

C. The design of drainage structures shall be based on recognized hydrological formulae.

D. Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping), shall be designed for the fifty (50) year storm.

E. Road culverts, which carry live streams, shall be RCP and off-site drainage shall be designed for the one hundred (100) year storm and the developer's engineer is to provide a no-rise certification letter.

F. Cross drainpipes within the public rights-of-way shall be designed and constructed at or near a ninety (90) degree angle with the roadway centerline. Where a slight skew is necessary, the pipe shall be placed within an eighty (80) to one hundred (100) degree angle with the roadway centerline.

G. Longitudinal pipes along a curved section of roadway shall be located on the inside of the curve to avoid pipe beneath the roadway footprint. In the event that the longitudinal pipe needs to be along the outside of the curve, the pipe shall be wholly located outside the limits of the curb and gutter by use of additional junction boxes. For pipe at a cul-de-sac location, all pipe shall be wholly located outside of the footprint of the curb and gutter that encircles the cul-de-sac.

16.13 Drainage Standards for Street – Materials and Installation.

A. **Standard specifications.**

1. All of the materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyance facility construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation (GDOT).

2. Allowable pipe material for all applications in drainage easements and public street rights-of-way, except as specified below, are aluminum-coated (Type 2) corrugated steel pipe (ASP), corrugated aluminum alloy pipe, smooth-lined corrugated high density polyethylene pipe (HDPE), or reinforced concrete pipe (RCP). Usage is summarized in the table below titled Allowable Pipe Use.

3. For roads constructed with public funds, either wholly or in part, or roads classified as major thoroughfares, materials which meet the Georgia Department of Transportation (GDOT) design standards shall be used unless an alternative is specifically approved by the City.

4. Only reinforced concrete pipe (RCP) shall be used for all dams nine (9) feet or more in height with an impounding capacity of twenty (20) acre-feet or more unless the Georgia Safe Dams Program requires another material.

5. Reinforced concrete pipe (RCP) shall be used under non-local roads when the ADT is greater than fifteen thousand (15,000) vehicles per day (vpd). Reinforced concrete pipe (RCP) or smooth-lined corrugated high density polyethylene (HDPE) pipe shall be used under nonlocal roads when the ADT is less than fifteen thousand (15,000) vpd.

6. The Director may approve an alternative pipe material with the recommendation of an engineer registered in the State of Georgia.

B. **Minimum pipe and pipe coating requirements.** The type of pipe material used shall be in accordance with Section 16.13.A, Standard Specifications.

1. Reinforced concrete pipe shall be in no less than eight (8) foot joint lengths. All joints shall be bell and spigot type, with a rubber gasket conforming to ASTM C-443. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness shall be in accordance with 1030-D, Georgia DOT specification, Table No. 1.

2. Aluminum-coated (Type 2) steel pipe shall comply with AASHTO M-274 for the coating and AASHTO M-36 for the pipe fabrication. Aluminum alloy pipe shall comply with AASHTO M-196 for material and fabrication.

3. The Director shall determine the minimum acceptable combinations of gages, diameters, and corrugation configurations for corrugated aluminum alloy pipe and pipe arches, and for corrugated aluminum-coated steel pipe and pipe arches.

4. Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two (2) annular corrugations. Coupling bands shall be so constructed to lap on an equal portion of each of the pipe sections to be joined. The connecting bands shall have a minimum of two (2) annular corrugations and fully engage, over the entire pipe periphery, one (1) corrugation on each pipe. Bands shall be fabricated from the same material as the pipe. The minimum band gauges for aluminum pipe and aluminized pipe shall be as specified in AASHTO M-196, Section 19, and AASHTO M-36, Section 9, respectively.

5. Gaskets may be required as determined by the City in the field, shall be either sleeve type or O-ring type and shall meet the requirements for gaskets as specified in AASHTO M-36, Section 9.3.

C. **Structural plate drainage structures.** Structural plate drainage structures shall conform to the following specifications:

1. Corrugated aluminum alloy structural plate pipe, pipe arches and arches shall consist of aluminum plates and galvanized bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-219.

D. **Smooth interior corrugated polyethylene pipe.**

1. This specification applies to high density polyethylene corrugated pipe with an integrally formed smooth-lined interior (HDPE). HDPE pipe manufacturers shall be approved by the Director.

2. This pipe shall conform to the requirements of AASHTO M-294, Type S.

3. Joints shall be as recommended by the manufacturer and approved by the City. Connections shall create a soil tight joint at a minimum and shall use a rubber gasket, which conforms to ASTM F-477.

4. Installation shall be in accordance with ASTM Recommended Practice D2321, AASHTO Section 30, or as specified by the City.

5. Certification from the manufacturer that the product was manufactured, tested, and supplied in accordance with this specification shall be furnished to the City upon request.

Allowable Pipe Use

Pipe Type	Reinforced Concrete Pipe	Metal Pipe			Plastic Pipe	
		Aluminized Type 2 Steel	Polymer Precoat Steel	Aluminum Alloy	Corrugated Polyethylene	Smoothed - Lined High Density Polyethylene Type "S"
Specifications (See Note 1)	ASTM C76, AASHTO M170	ASTM A760, A929; AASHTO M36, M274	ASTM A742, A762; AASHTO M36, M245, M246	ASTM B744, B745; AASHTO M196, M197, GDT17	AASHTO M252	ASTM F-2306; AASHTO M294 (See Note 2)
Minimum thickness/class	Per GDOT Std 1030D	Per GDOT Std 1030D	Per GDOT Std 1030D	Per GDOT Std 1030D	AASHTO M252	AASHTO M294

Type Installation							
Longitudinal		X	X	X	X		X
Cross drains on road w/over 15,000 ADT	Cross drain <10 percent slope	X					
	Cross drain > 10 percent slope	Check w/HCDOT concerning pipe type to be used when x-drain > 10 percent and ADT > 15,000					
Cross drains on	Cross drain	X					X

nonlocal road w/less than 15,000 ADT	<10 percent slope						
	Cross drain > 10 percent slope						X
Cross drains on local road (s/d road) w/less than 15,000 ADT	Cross drain < 10 percent slope	X		X	X		X
	Cross drain > 10 percent slope			X	X		X
Lateral systems		X	X	X	X		X
Slope drain			X	X	X		X
Perforated underdrain			X	X	X	X	X
Dams H > 9 feet and V > 20 Ac-Ft		X					
Perennial streams		X					X
Minimum allowable design velocity		2.5 fps	2.5 fps	2.5 fps	2.5 fps	—	2.5 fps
		Reinforced concrete pipe	Aluminized type 2 Steel	Polymer precoat steel	Aluminum alloy	Corrugated polyethylene	Smooth lined high density polyethylene Type "S"

Maximum allowable design velocity	15 fps	5 fps	15 fps	15 fps	—	15 fps
Minimum soil pH/resistivity	—	6/1500 ohm/cm	5/1500 ohm/cm	—	—	—

Notes:

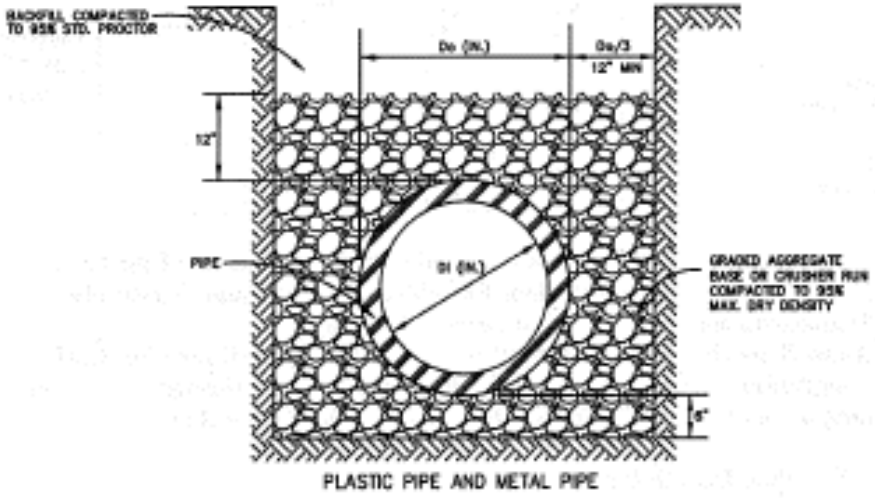
1) All pipe materials shall meet the minimum requirements of the Georgia Department of Transportation's Standard Specifications Construction of Transportation Systems, most current edition.

2) Allow smoothed-lined HDPE, Type S (AASHTO M294) pipe for storm (longitudinal and cross) and side drain applications through forty-eight (48) inch diameter so long as roadway's ADT is less than fifteen thousand (15,000) vehicles per day.

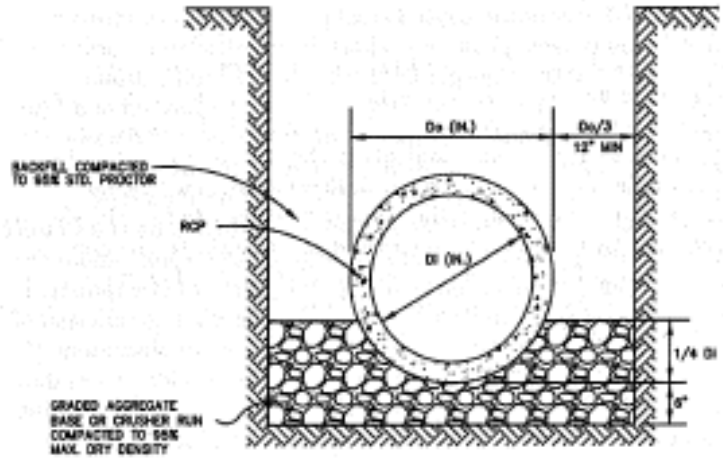
E. **Pipe installation.**

1. **Installation standards.** Reinforced concrete pipe (RCP), corrugated aluminum alloy pipe, corrugated aluminum coated steel pipe, and smooth interior corrugated polyethylene pipe shall be installed in accordance with Section 550 of the Georgia DOT Standard Specifications, Construction of Roads and Bridges. Prior to approval of a final plat, the City may require the submittal of certification from a mandrel testing agency indicating that all installed pipe (other than RCP) does not exceed five (5) percent deflection. Based on field inspections, video surveillance may be conducted by the City or required by the city on storm drain installations before approval of the final plat or issuance of the certificate of occupancy. If required, video surveillance should be done after completion of all activities that may damage the pipe but prior to the placement of base and the paving or landscaping over or near the pipe. If video surveillance indicates problems such as pipe deformation, cracking, or joint separation, the pipe shall be removed and replaced before approval.

2. **Bedding.** All pipe structures shall be placed on stable earth or fine granular foundation with the characteristics of which would be expected to provide long-term stability. In all live stream pipe installations, in areas of low bearing solid or non-uniform foundations, in area where rock is encountered at the foundation level, or in other locations where conditions warrant, a minimum of six (6) inches of crushed stone bedding is required, (maximum size of stone shall be ¾ inch). Geotextiles or geogrids may also be required by the City in problem areas.



PLASTIC PIPE AND METAL PIPE



REINFORCED CONCRETE PIPE

3. **Backfilling.** Backfill for CSP, CAP, and HDPE pipe installations shall be constructed using graded aggregate base or crusher run six (6) inches below the bottom of pipe to twelve (12) inches above the pipe crown. Backfill for RCP pipe installations shall be constructed using graded aggregate base or crusher run six (6) inches below the pipe invert to one-quarter (¼) of the pipe diameter. Foundation backfill material shall be used for RCP above one-quarter (¼) of the pipe diameter (if graded aggregate base is not used above the one-quarter (¼) of the pipe diameter) as per Type I or Type II, as specified in Georgia DOT Standard Specifications. These materials shall be placed in players of no more than six (6) inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:

    a. **Within street right-of-way.** Backfill within all street rights-of-way shall be compacted to ninety-five (95) percent maximum density, tested using the AASHTO Method T-99.

b. **In other areas.** Backfill in all other areas shall be compacted to ninety (90) percent maximum density, tested using the AASHTO Method T-99.

c. **Construction loads and minimum covers.** If drainage pipe is installed prior to the completion of grading, a minimum of four (4) feet of fill should be provided where needed to adequately protect the drainage structure during the land development phase, unless the structure itself is designed to withstand the anticipated live load during construction.

F. **End finish.**

1. Headwalls or other end treatments are required on all culverts and at the outlet of all piped collection systems. Where ends of pipe are located within, or near, the right-of-way and are parallel, or nearly parallel, with the roadway, safety end sections shall be required when the posted speed limit is thirty-five (35) mph and over.

2. Headwalls are to be precast concrete, stone masonry with reinforced concrete footings, or poured in place, reinforced concrete with reinforced concrete footings. Precast concrete headwalls for corrugated aluminum coated steel pipe or aluminum alloy pipe shall be made with aluminum coated steel or aluminum alloy pipe stubs.

3. End treatments that conform to the slope may be pre-cast concrete end sections; aluminum coated steel or aluminum alloy end sections, masonry, PE end sections, reinforced poured-in-place slope collars, or grouted rip-rap. Concrete and metal flared end sections shall conform to applicable Georgia DOT Standard Drawing 1120, 1122, or Detail D-39.

G. **Junction boxes and catch basins.** Junction boxes and catch basins shall have metal manhole frames and lids for access.

H. **Other structures.** Natural bottom arches and box culverts may be used in accordance with the latest standard specifications of the Georgia Department of Transportation. Bottomless culverts shall require that a scour analysis be done by a registered professional engineer in that field to Georgia Department of Transportation Specifications and Standards to ensure the soundness of the proposed structure.